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## The Use and Forms of Judicial Torture in England and Scotland

THE employment of torture as an adjunct of criminal administration in both England and Scotland, although in common, indeed, with the rest of Europe, will ever remain as a dark red stain upon the annals of these countries, even while it possesses that morbid fascination which always clings around the tragic and the cruel, or any tale of human suffering. Its history has about it a living, human interest, which causes it to attract even while it repels, and the sympathies of modern humanity go out in mute and futile pity to those innumerable victims of human cruelty and superstition, while the nerves quiver to-day as we contemplate the awful agonies of those wretched beings immolated on the altar of a mistaken principle of justice.

The use of torture as a judicial instrument possessed the sanction of a great antiquity and an almost universal practice. Prior to Greek and Roman times, indeed, torture was, no doubt, practised by the various Eastern Empires with that singular callousness and indifference to human suffering and with that arbitrary and wanton cruelty which even yet characterise so many of the Asiatic and African races; but it is only in Greek and Roman times that there is found, for the first time, a regulated system of judicial torture, as distinguished from the mere wanton and arbitrary infliction of pain, employed to force confession or to extract evidence of crime, or by way of punishment or execution.

It is only within comparatively recent times that torture ceased to form an integral part of the criminal systems of

Europe. England and Sweden—and Aragon, too—were always, in theory, exceptions to the rule; but in England, at any rate, it prevailed in practice down to the time of the Commonwealth. In Scotland the employment of torture was finally forbidden in 1708 by the statute 7 Anne, cap. 21, § 5, which enacted that thereafter 'no persons accused of any capital offences or other crimes in Scotland shall be liable or subject to any torture.' In France the use of torture was eliminated from the judicial system by a law of 9th October, 1789; but, notwithstanding, several years later, in 1793, two Judges were suspended from their office by the Parliament of Paris for having ordered the execution of a man for murder on his own confession under torture. In Russia torture was forbidden, by Imperial ukase, in 1801. In Prussia, Saxony, and Austria it was abolished about the middle of the 18th century; but it continued, in theory at least, in the criminal administration of the majority of German States until the 19th century. The practice was suspended in Bavaria by ordinance in 1806; in the Kingdom of Hanover in 1822, though not formally and finally until 1840; and in the Grand Duchy of Baden in 1831; while in Naples it was in force as late as 1860.

While there is ample evidence, from classical writers, of the employment of torture as a regular judicial instrument in Ancient Greece,<sup>1</sup> and no less a person than Aristotle gives it his approval on account of its compelling persuasiveness,<sup>2</sup> yet its use as an adjunct of the criminal procedure of European States had its basis in the Roman system, and derived its sanction from the Civil as well as to some extent from the Canon Law. The Civil Law strictly regulated the use of torture, and defined the persons who might be subjected to its various forms, or who were in whole or in part exempt; whilst its rules of procedure were precise as to the stage at which torture was to be applied to convert *sempierna* into *plena probatio*, its amount, the physique and age of the subject, the nature of the queries to be put at different stages of the examination, the conduct of the sufferer, the circumstances of his confession, and the relation of the accuser. There was no exemption from torture on a charge of treason,<sup>3</sup> or sorcery,<sup>4</sup> all persons, whether free or bond, patrician or plebeian, being equally liable, and this

<sup>1</sup> See Aristophanes, *Ranae* (v. 617) for list of tortures in use. *Lysistrata* (v. 846) refers to the torture of the wheel. Both the wheel and the rack were in use in Greece.

<sup>2</sup> Arist., *Rhet.* i. 15. 26.

<sup>3</sup> *Cod.* ix. 8. 4.

<sup>4</sup> *Cod.* ix. 18. 7.

principle later on received expression in the systems of all European countries. A useful restraint upon groundless accusations of treason was contained in the rule that if an accuser failed to prove his case he himself was liable to torture! An account of the Roman system of judicial torture does not come within the scope of the present article. It must suffice to mention that the principal tortures regularly employed under the Civil Law were those of the *equuleus* or rack, the *angulae* or barbed hooks, the *plumbatae* or leaden balls, and the *fidiculae* or cords for compressing the arms. With the exception of the *angulae*, which is Eastern in its character and barbarity, all these had their later European counterparts. The law of torture as it existed under the later Empire is contained mainly in the titles *De Quaestionibus* of the *Digest*<sup>5</sup> and the *Code*.<sup>6</sup> There were many other 'irregular' forms of torture, however, used in Roman judicial procedure, which were equally calculated to wring statements from unhappy sufferers, or which were employed after torture in the ordinary forms, to intensify and prolong the punishment or the execution. Crucifixion, disembowelling, exposure to wild beasts in the arena, tearing apart by wild horses, burning alive, branding and mutilation in many revolting forms were all employed as modes of punishment and of execution.

Mediaeval Europe absorbed torture into its judicial system through the Civil Law. The Mediaeval Church, interpreting treason as heresy, and adopting the Roman principle of the equality of all in charges of that nature, found a ready means of enforcing its doctrines and of asserting its authority. Enjoying complete immunity for its clergy, it originally left its sentences to be executed by the ordinary tribunals; but, ere long, when the famous or infamous ecclesiastical tribunal styled the Inquisition had been established, the Church conducted its own enquiries, executed its own sentences, and inflicted, in the name of God and of the Church, with callous and lavish cruelty, tortures as exquisite and as grim as any perpetrated in the horrid gloom of the secular dungeons of Europe. It is not here appropriate to do more than to refer to the modes of torture adopted by the Inquisition. Any one desirous of studying that dark chapter of the world's history must refer to the works of such men as Llorante, Hoffman, Molinier, Rodrigo, Prescott, Motley, and many others. The forms employed by the

<sup>5</sup> *Dig.* xlviii. 18.

<sup>6</sup> *Cod.* ix. 41.

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Inquisition, while embracing all the generally recognised modes of the age, were unlimited, except by the bounds of inventive cruelty, and there may be mentioned that of the gradual pouring of water, drop by drop, upon a particular spot of the prisoner's body—a mode which had its well-known classical counterpart, and generally ended in delirium or raging mania; that styled the *tormento de toca*, consisting of pouring water into a gauze bag in the throat, and gradually forcing it down into the stomach, causing acute agony, a mode which had its modern counterpart in the 'water-cure,' alleged to have been employed in Cuba and Manilla; and that of the *pendola* or swinging pendulum, with its maddening recurrence.

The revolting practice of judicial torture having established itself in all the European systems, attained, particularly in France, in the German States, and in Italy, a vogue and system as discreditable as it was regular. All the State and feudal dungeons of Europe contained their complement of torture apparatus, grim specimens of which are still shown in the museums of Nuremberg, Ratisbon, The Hague, the Tower of London, and other places. The practice throughout Continental Europe during the 16th and 17th centuries receives its fullest expression in the cruelly refined and complete systems of the Italian States, and in its comprehensive treatment by Farinaccius Procurator-General to Pope Paul V. in his *Praxis et Theorica Criminalis*,<sup>7</sup> published at Frankfort in 1622. 'The most usual forms of torture on the Continent at that period were those of the rack, breaking on the wheel, and that of the 'second' and 'third' degrees, which respectively included crushing of the hands, feet, or head in iron apparatus, and burning and tearing with red-hot irons or pincers.

The practice of judicial torture extended to England and Scotland in common with the rest of Europe, but its sanction, singularly enough, differed in the two countries. In Scotland it seems always to have been recognised by the law as a means of extracting information, or as a form of punishment or execution. In England, on the other hand, torture was always illegal, and had no place in the constitution. It was contrary to *Magna Charta*, to many statutes, and to the fundamental principles of the English Law.<sup>8</sup> The consulted Judges, at the time of the trial of Felton for the murder of the Duke of

<sup>7</sup> Book II. tit. v. *quest.* 36-51.

<sup>8</sup> Stephen's *Hist. of the Criminal Law of England*.

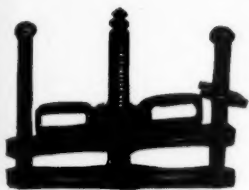


FIG. 1.—Thumb Screws.

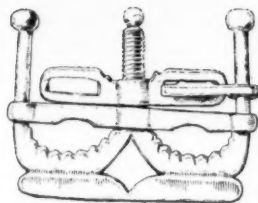


FIG. 2.—Thumb Screws notched and hollowed.

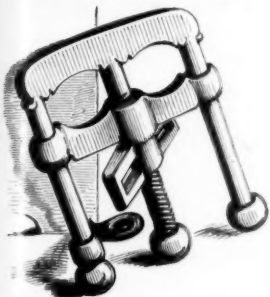


FIG. 3.—Thumb Screws with inner bars hollowed.



FIG. 4.—Large Thumb Screws,  $4\frac{1}{2} \times 4\frac{1}{2}$  inches.

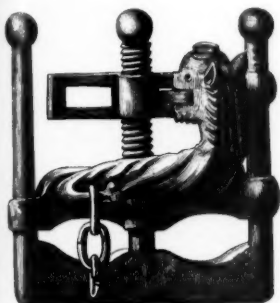


FIG. 5.—Thumb Screws (scale one half).



FIG. 6.—Key of Fig. 5 (scale one half).



FIG. 7.—Thumb Screws notched on inside edges.

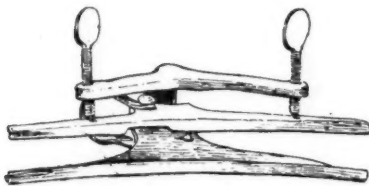


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Buckingham, in 1628, unanimously declared against the legality of putting him to the torture, as a method unknown to the Law of England.

Bracton, indeed, in his ancient treatise of the 13th century on *The Laws and Customs of England*<sup>9</sup> seems to admit its legality when he divides corporal punishment into that inflicted with and that inflicted without torture; and although the use of torture was condemned and even disavowed by such distinguished jurists as Sir John Fortescue,<sup>10</sup> who was Lord Chancellor in the reign of Henry VI.; Sir Edward Coke, the eminent institutional writer; and Sir Thomas Smith, the famous lawyer and statesman of Elizabeth's time, there is unfortunately too ample evidence from contemporary chroniclers, such as Holinshed and others, and from State Papers that the practice since the 15th century was strikingly at variance with the theory of the Law and with the humane sentiments of the leading jurists. The statute 27 Henry VIII. cap. 4, dealing with the trials of 'Pirates and Robbers on the Sea,' narrates that few such offenders would confess 'without Torture or Pains,' and it was in that reign that the dreadful instrument of torture styled 'Skevington's Irons' was invented. It has been sought to make out that the instances of torture in English practice were quite exceptional,<sup>11</sup> but Jardine in his *Reading on the Use of Torture in the Criminal Law of England* (1837) considers that 'the facts show a uniform practice to the contrary.' The entries in the extant Registers of the Privy Council from 1551 onwards contain many warrants authorising the application of torture during the reigns of Edward VI., Mary, Elizabeth, James I. and VI., and Charles I. The practice reached its height in England in the faction-torn reign of Elizabeth, and it was employed with merciless frequency. In Hallam's terse language, during all that time 'the rack seldom stood idle.' Jardine observes<sup>12</sup> that the result of enquiry 'must be a conviction that, until the Commonwealth, torture was constantly used as an instrument of evidence in the investigation of offences, whether municipal or political, without scruple and without question as to its legality.' Despite his sentiments and disavowal, Sir Edward Coke, as Attorney-General, in 1603 appears, from

<sup>9</sup> *Leges et Consuetudines Angliæ.*

<sup>10</sup> *De Laudibus Legum Angliæ.*

<sup>11</sup> Howell's *State Trials*, ii. 774. See Hargrave's note to the Countess of Shrewsbury's case.

<sup>12</sup> p. 16.

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documents in the State Paper Office, to have personally conducted the examination of one Philip May by torture on the rack.

Historians have been at a loss to explain the extraordinary discrepancy between the humane theory and the cruel practice of the Law in England down to the Commonwealth. The true solution appears to be that advanced by Jardine in the distinction drawn by him between the *Law* and the *Prerogative*—a power superior to the Laws, and one which could even, in its uncontrolled discretion, suspend them. In confirmation of this view it is noteworthy that, with only two exceptions, torture was invariably ordered either, as originally, by the Sovereign directly or by his Council, when it came, about the middle of the 16th century, to exercise that branch of the prerogative, or by some tribunal of extraordinary constitution, such as the Star Chamber, all which professed to be superior to, and not bound by, the rules of the Common Law. The two exceptions were the cases of Philip May in 1603 and of Samuel Peacock in 1619, when the warrants for torture were in the first instance directed to Common Law Judges. It is doubtful, too, if either of the warrants were executed, and in the first case it certainly was not executed in its original form.

The use of torture as a judicial instrument must be considered in a dual aspect. It was employed either as a means of extracting information or as a prolonged punishment or execution. The tortures strictly appropriated, both in England and Scotland, to proceedings on accusation and prior to conviction, and which may, for convenience, be styled 'regular' or 'ordinary,' were more or less well defined; but there were in use many other equally cruel and ingenious modes of causing anguish to the human frame, which, though truly forms of judicial torture, inasmuch as they were inflicted under colour of judicial authority, were classed as punishments or modes of execution. Such were breaking on the wheel, burning at the stake, branding, mutilation, tearing with pincers, disembowelling, and all the various means employed to intensify the sufferings, of which history records so many notable instances. Chains, the Pillory, the Stocks, Flogging, and even the Treadmill may also be regarded as merely minor and more humane counterparts of the principal forms of judicial torture. The principal 'regular' instruments of torture employed in England were the rack, the 'Scavenger's Daughter,' the iron gauntlets, the thumbscrew, the 'cell,' the bilboes, and the iron collar; and of

other 'irregular' forms equally calculated to break the body and appal the mind were the *peine forte et dure*, the torture of the rats, starvation, and scourging.

The 'Rack,' which has become a generic term connoting torture in all its forms and agonies, was an instrument of very great antiquity, and, as has been observed, was employed in Greek and Roman times. Its use throughout Europe was universal; and it is supposed to have been introduced into the Tower of London by the Duke of Exeter in the reign of Henry VI., and Sir Thomas Coke, Lord Mayor of London in 1468, was probably, according to Holinshed, the chronicler, one of its first victims. By reason of its origin, the rack received the euphemistic sobriquet of the 'Duke of Exeter's Daughter,' and it may well be averred that never was woman more heartless! It is singular how frequently a feminine appellation is bestowed upon instruments appropriated to grim and bloody purposes; 'Skevington's Irons' were styled his 'Daughters'; the guillotine in Scotland was styled the 'Maiden'; a dreadful instrument of torture, formerly used in Germany, and a specimen of which is still exhibited at Nuremberg, and which was somewhat analogous in construction to 'Skevington's Daughters,' was called the 'Iron Maiden.' The Rack is described by Lingard in his *History of England*<sup>13</sup> as 'a large open frame of oak raised three feet from the ground. The prisoner was laid under it, on his back, on the floor; his wrists and ankles were attached by cords to two rollers at the ends of the frame; these were moved by levers in opposite directions till the body rose to a level with the frame. Questions were then put, and if the answers did not prove satisfactory, the sufferer was stretched more and more, till the bones started from their sockets.' The compelling and persuasive efficacy of the Rack may be inferred from the quaint but expressive terms of the warrants, which authorised the prisoners to be 'put to the rack' in order to 'wreste' or 'to wringe' or 'for the better bouldinge forth of' the truth. In some cases *the fear of the rack* was considered a sufficient form of torture in itself, and the warrants directed that the prisoner be 'brought to and put in fear of the rack'; or again, it was enjoined that the prisoner be made 'to feel the smarte' or 'to find the taste' of the rack, which probably had not the full significance conveyed in the plain direction to 'putt to the tortour of the racke.' Tanner, the historian of the Jesuits, dealing with the

<sup>13</sup> *Hist. of England*, vol. v. p. 630, Note U.

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torture of Campion, the Jesuit priest, in 1581, also gives a particular description of the rack, as also does More.<sup>14</sup> The dreadful effects of the rack upon the human frame were frequently such as to totally and permanently incapacitate the victim.<sup>15</sup>

The 'Scavenger's Daughter' was a corruption of the name of an instrument invented by Sir William Skevington, Lieutenant of the Tower, in the reign of Henry VIII. It was originally styled 'Skevington's Irons,' and consisted of a broad hoop of iron of two parts hinging together. The prisoner having been made to kneel on the floor and to contract himself into as small a compass as possible, the executioner knelt on his shoulder, and having put the hoop under his legs compressed the body of the victim until the extremities of the hoop could be fastened over the small of the back. The exquisite character of this torture, to which an hour and a half was usually allotted,<sup>16</sup> may be inferred from the fact that blood is said to have often burst from the nostrils and the mouth, and even from the extremities! Tanner also describes this mode of torture.<sup>17</sup>

'The Cell' was a chamber of such dimensions and construction that the only position possible to the prisoner was a squatting one, and he could neither stand, sit, or lie, far less walk about, and, in addition, it was quite dark. It well deserved its nickname 'Little Ease,' and the few days generally allotted to it were sufficient to break all but the stoutest spirits. Cells of this description existed throughout Europe, and some are still to be seen in various places. A still more dreadful development of the torture of the cell, but one happily unknown in this country, is said to have been a chamber which by some mechanical contrivance daily contracted in the sight of the occupant, who, compelled at length to lie prone, was finally crushed in its pitiless embrace, unless madness or death had already terminated his agonies. A Committee of the House of Commons was appointed, on 14th May, 1604, 'to enquire into the state of a dungeon called "Little Ease" in the Tower.'<sup>18</sup> They reported that 'the place was very loathsome and unclean, and not used for a long time either for a prison or other cleanly purpose,' and also that they 'found in "Little Ease" in the Tower an engine of torture devised by Mr. Skevington, sometime

<sup>14</sup> Tanner's *Societas Europaea*, p. 12. See also More's *Hist. of the Jesuits*, p. 89.

<sup>15</sup> E.g. case of Wm. Monke, 1626.

<sup>17</sup> Tanner's *Societas Europaea*, p. 18.

<sup>16</sup> Ligard, vol. v. p. 650.

<sup>18</sup> *Commons' Journal*, 14th May, 1604.



FIG. 9.—Branks with Face Piece.



FIG. 10.—Branks with Rowel-shaped Mouthpiece.



FIG. 11.—Branks or Witch's Bridle.



FIG. 12.—Branks of Dunottar Kirk, with specially cruel Mouthpiece.

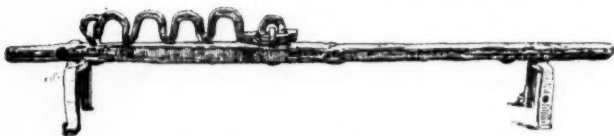


FIG. 13.—Stocks formerly used in the Town of Crieff.

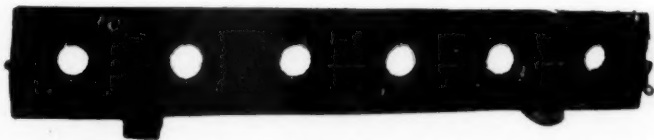


FIG. 14.—Stocks used at Paldy Fair Market, Fordoun; last used there in July, 1841.

#### BRANKS AND STOCKS.

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Lieutenant of the Tower, called "Skevington's Daughters." There were also other cells in the Tower or the Marshalsea imprisonment in which was a form of torture only a little less dreadful than 'Little Ease' itself. Into such a cell, small, dark, damp, and 'foul, with the uncleansed memorials of generations of wretches who had preceded him,' with nothing but some filthy straw to serve as a bed upon the moist and reeking earthen floor, was Charles Baily thrown in 1571, prior to suffering the still more terrible agonies of the rack, for his suspected part in the Ridolfi conspiracy against Elizabeth's life.

The 'Iron Gauntlets' were an apparatus tightly contracted round the wrists by means of a screw, the prisoner thereafter being suspended in the air by his wrists from two distant points of a beam. To get him into position, he was placed standing on three blocks of wood, which were successively withdrawn from under his feet. The swelling of the arms and the cutting of the gauntlets were not the least excruciating parts of the torture. Lingard quotes<sup>19</sup> the experiences of one Gerard, who hung thus for five hours, in the course of which he fainted eight or nine times, only reviving to have the torture renewed. Although there is considerable doubt on the point, the Iron Gauntlets may have been what is styled 'The Manacles' in the various warrants from the Privy Council directing that form of examination. The warrants, indeed, frequently enjoined putting to 'the manacles and torture,' but they as often direct 'the manacles or such other form of torture' or 'the torture of the manacles,' and it is even made alternative to the rack. The 'manacles,' however, although a very usual form of torture, are not mentioned in warrants until 25th October, 1591, when Eustace White and Brian Lassy were ordered to be 'put to the manacles and such other tortures as are used in Bridewell.' The instrument appears to have been introduced into the Tower from Bridewell in 1598. Jardine, while expressing himself as uncertain of their exact nature, favours the view that the manacles were one of the many instruments of torture taken from the Spanish Armada in 1588.<sup>20</sup>

One of the 'gentler tortures' sometimes directed in the warrants consisted of tying the prisoner's thumbs together with cords and suspending him from a beam. It was apparently employed in the preliminary stages of an inquiry, and notably in the cases of Guy Fawkes, Garnett, Owen, and others suspected

<sup>19</sup> Vol. v. 651. <sup>20</sup> Jardine, *Reading, etc.*, p. 37, Note 2.

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of being concerned in the Gunpowder Plot. The warrant for the torture of Fawkes, in the King's own handwriting, directed the use of 'the gentler tortures first, *et sic per gradus ad ima tenditur.*'

The 'tortour of the ratts' was a form as refined in its cruelty and as appalling in its effects on mind and body as any yet mentioned. The Minutes of the Privy Council for 17th November, 1577, show a warrant to the Lieutenant of the Tower to 'commit to the dungeon amongst the ratts' one Sherwood, failing his confession. This cell or dungeon, if it may be even styled such, is described by contemporary writers as having been below high water mark, and without light of any sort. With the rise of the tide, the water flowed into the cell, which was at the same time invaded by swarms of rats. The torture endured from the loathsome character of the cell and the noisome nature of its unwelcome visitors may be imagined! Often, too, the wretched prisoner, sinking into the sleep of utter exhaustion and despair, would be cruelly gnawed and even eaten to death!

The *peine forte et dure* was early introduced into England from France, as its name indicates. It was the torture specially appropriated from at least the reign of Henry IV. to 'muteness or contumacy on arraignment for felony,' and consisted of laying the prisoner on his back and loading him with iron weights until he chose to plead or died, the latter event being delayed by feeding him on bad bread and stagnant water on alternate days.<sup>21</sup> It is recorded that, as late as 1721, one Nathaniel Hawes 'lay for seven minutes under a weight of 250 lbs.,' and a prisoner is said to have been so pressed to death at the Cambridge Assizes in 1741, other tortures having been previously applied. Tying the thumbs with whip cord was a common substitute for the *peine* at the Old Bailey up to the 18th century.<sup>22</sup>

In 1581 Alexander Briant, a Jesuit priest, was tortured under a Privy Council warrant, and is said by Antony Wood,<sup>23</sup> to have been 'specially punished for two whole days and nights by famine, by which he was reduced to such extremities that he ate the clay out of the walls of his prison, and drank the droppings of the roof.'<sup>24</sup> Of the minor forms of punishment and of judicial

<sup>21</sup> Blackstone's *Commentaries*, Bk. iv. chap. 25. Stephen's *Hist. of the Criminal Law*, i. 297.

<sup>22</sup> Stephen's *Criminal Law*, i. 300.

<sup>23</sup> *Ath. Oxon.* vol. i. 210.

<sup>24</sup> Jardine, p. 31.

torture, inasmuch as they were inflicted by judicial authority, often, indeed, accompanied with much suffering, but not in themselves calculated to do grievous bodily injury, the 'Stocks,' the 'Pillory,' the 'Cat,' and even the 'Treadmill' are too well known to need description.

The procedure followed in England when applying any of the regular tortures sufficiently indicates the derivation of the practice from the Roman system. It was necessary to have the presence of one of the civilian 'Masters of the Requests'; the 'vehement suspicion,' so constantly narrated in the warrants as the justification for the application of torture, corresponds exactly with the *indicia ad torturam*, amounting to the *semiplena probatio* required by the Civil Law, and the distinction between the fear of and the actual torture corresponds precisely with the *terrisio* and the *tortura*; while, further, persons of rank and women and children were exempt, unless in charges of treason.<sup>25</sup>

There does not appear any instance of women being tortured, unless the doubtfully authenticated case of Anne Askew in the Tower in 1546, cited by Burnet in his *History of the Reformation*, and by Foxe,<sup>26</sup> and that of the *secret whipping* of a young maiden who had 'putt into writing and scattered abroad among the Popish and ignorant people' of the Diocese of Chester 'two fayned visions.'<sup>27</sup> The offences for the discovery or punishment of which torture was employed comprised such as murder, horse-stealing, embezzlement, statutory and political offences, and felonies of all descriptions. Certain historians, animated by religious prejudices, have endeavoured to make out that torture was the outcome of religious persecution, and had no place in the regular criminal practice; but the evidence is far from bearing this out. It was a useful adjunct, indeed, to religious persecution, but was not a result of it.

After the reign of Elizabeth torture began to be confined more and more to offences of a State or political character.

As in Scotland, so in England, the trial and punishment of witches was accompanied with much torture, in many exceptional forms, indeed, but all partaking of a judicial character. The 'ducking' of supposed witches and the means employed to discover the 'Devil's Spot' or to wring confession of dark

<sup>25</sup> Jardine, pp. 64-5. Wessenbechii, *Paratitla ad Dig. De Quaestionibus*.

<sup>26</sup> Burnet's *Hist. of the Reformation*, vol. i. p. 342. Foxe's *Book of Martyrs*.

<sup>27</sup> *Council Minutes*, 22nd June, 1581.

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dealings from the wretched females were often exquisite in their cruelty. The torture of witches persisted longer than any other; it was still employed in England in 1646, and although torture had been finally abolished in Scotland in 1708 by 7 Anne, cap. 21 § 5, yet in 1722 a woman was executed at Dornoch for witchcraft.

In Scotland torture was long a recognised part of criminal procedure both in the discovery and in the punishment of crime. There was in that country an even greater variety of tortures ordinarily employed than in England; and in the struggle between Popery and Protestantism, and in the suppression of supposed witchcraft and the 'Black Art' the cruel instincts of a fanatical people found ample scope. Not only do the Privy Council Registers contain many warrants for the employment of torture, but certain Acts of Parliament specifically deal with it.<sup>28</sup> On various occasions the Parliament expressly authorised and directed torture, notably in the later cases of Colonel Sibbald in 1680 and Chiesly of Dalry in 1689; and the terms of the Claim of Right in 1689 did not exclude torture from cases of special gravity, as it only declared that the using of torture *without evidence*, or in *ordinary* crimes was contrary to law. As late as 1683 a minister called Carstares was tortured, and in 1690 a prisoner was tortured, by warrant, on a charge of rape and murder.

Scotland was in no way behind England in the variety and cruelty of her forms and instruments of torture. These included the rack, the thumbscrew, the pilniewinkis or pinnywinks, the boot, the caschielawis or caspitaws or caspicaws, the 'long irons,' the 'waking,' the 'Turkas,' needles, scourging, breaking on the wheel, burning, strangulation, mutilation, dismemberment, flaying, and many other ingenious minor varieties, such as, for example, wrenching ('thrawing') the head with ropes, specially resorted to in dealing with cases of witchcraft. With that characteristic fondness of the Scots for diminutives, they styled the thumbscrew and the 'boot' respectively the *thummikins* and the *bootikins*, but the lessening of their appellations in no way diminished their severity. Both Sir George Mackenzie and Lord Roystoun treated the subject of torture as a regular part of the criminal system of Scotland, though Mackenzie states that it was 'seldom used.'<sup>29</sup> Lord Roystoun, in his MSS.

<sup>28</sup> E.g. 1649, caps. 333 and 370.

<sup>29</sup> Mackenzie's *Criminal Law of Scotland* (1678).



FIG. 15.—Joughs, from the Church of Clova, Forfarshire.



FIG. 16.  
The Stirling Joughs.



FIG. 17.  
Joughs from Dundee.



FIG. 18.  
The Applegarth Joughs.

# JOUGS.

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*Notes on Mackenzie's Criminal Law* (p. 273), observes: 'The instruments in use amongst us in later times were the boots and a screw for squeezing the thumbs, thence called *thummikins*. The boot was put upon the leg and wedges driven in, by which the leg was squeezed sometimes so severely that the patient (*sic!*) was not able to walk for a long time after; and even the *thummikins* did not only squeeze the thumbs, but frequently the whole arm was swelled by them. Sometimes they kept them from sleep for many days, as was done to one Spence, Anno 1685; and frequently poor women accused of witchcraft were so used. Anciently I find other torturing instruments were used as *pinniewinks* or *pilliwinks*, and *caspitaws* or *caspicaws*, in the Master of Orkney's case, 24th June, 1596; and *tosots*, August, 1632. But what these instruments were I know not, unless they are the other names for the boots and *thummikins*.' McLaurin in the introduction to his *Reports of Criminal Decisions* (1774), quotes Lord Roystoun to this effect.<sup>30</sup> Roystoun's surmise was fairly correct, as the '*pilniewinkis*' or '*pinniewinks*' and the '*caspicaws*' or '*caschielaws*' appear to have been either older forms or perhaps a more severe variety of the thumbscrew and the boot respectively. The torture of the *pinniewinks* seems to have been employed in England in the reign of Henry IV., and in its application to one Robert Smyth, of Bury, it is styled '*pyrewinks*, and sufficiently identified.<sup>31</sup> The '*caschielawis*' or '*caspitaws*' or '*caspicaws*' were probably an older variety of the boot, and either similar or analogous to that known as the '*Spanish*' or the '*German Boot*.' The '*Boot*' proper was a wooden case or stock encircling the leg from the ankle to the knee; wedges were then driven in with a heavy hammer between the casing and the leg, the number of blows being in proportion to the failure of the prisoner to make either satisfactory confessions or disclosures. This form of torture was chiefly employed in cases of exceptional gravity, such as treason and witchcraft, in which latter case it was freely used with striking inhumanity. So severe would be its effects that the legs were often shockingly crushed and the prisoner totally disabled. Pitcairn, dealing with the case of Fian, or Cunningham, which will be more particularly dealt with a little further on, says<sup>32</sup> that he was put to 'the most severe and Cruell paine in the worlde called the bootes.' Two

<sup>30</sup> McLaurin's *Criminal Decisions* (1774), Introduction, p. xxxvi.

<sup>31</sup> See Pitcairn's *Criminal Trials*, i. (ii.) 215, Note.

<sup>32</sup> *Criminal Trials*, vol. i. (ii.) 219.

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or three strokes of the hammer were generally sufficient to extract evidence or confession, but there is recorded a case in which a young man received and stood fifty-seven strokes.<sup>33</sup>

The 'caspicaws,' or more usually styled 'caschielaws,' would seem, as has been already mentioned, to have been similar or analogous to the 'German' or the 'Spanish Boot.' This refined form of torture consisted of enclosing the leg in an iron casing, shaped somewhat like a long boot, which was then heated over a moveable fire; and was usually found to be very efficacious! Pitcairn talks of the 'vehement tortour of the caschielawis.' It is probable, however, that this term has been employed somewhat loosely by the older writers to embrace the torture of the boot generally, whether it were of wood or iron, as there are instances of its protracted use over many days quite inconsistent with the employment of the heated iron instrument. When a prisoner had been more than usually severely treated in the 'boot,' he was said to have been 'extremely booted.' Such was the lot of William Rynd, tutor to the Earl of Gowrie, when accused of part in the Gowrie Conspiracy. The 'boots' and the 'thummikins' are said to have been introduced into Scotland from Russia by a Scotsman who had been long in the service of that country.<sup>34</sup>

The 'Long Irons,' or 'lang irnis' as they were written of old, are nowhere exactly described, but they were apparently shackles of enormous weight. The aged husband of Alison Balfour, the alleged witch, was 'beand in lang irnis of fiftie stane wecht.'<sup>35</sup> They were probably the same as, or similar to, the 'Bilboes' employed in England.

The torture of the 'waking' was particularly cruel: it consisted of the artificial and systematic prevention of sleep, and was specially employed in cases of witchcraft to overcome the 'contumacy' of suspected persons, the idea being that where ordinary human endurance would give way before Nature's claims it would not be so in the case of those who were specially under the protection of the Devil! Trials for witchcraft and sorcery, though widely prevalent throughout Europe from the 15th to the 17th century, were nowhere conducted with more cruel and credulous superstition than in Scotland; and the varieties of tortures devised to extract confessions of sorcery and to exact punishment were often as ingenious as inhuman. Bessie Dunlop,

<sup>33</sup> Pitcairn, i. (ii.) 376.

<sup>34</sup> M'Laurin's *Introduction*, p. xxxvii.

<sup>35</sup> Pitcairn, i. (ii.) 376.

an alleged witch, was subjected to this torture, and in the report of her trial on 8th November, 1576, a description is given of the 'waking,' which proceeds<sup>36</sup>—'Iron collars, or *Witches Bridles*, are still preserved in various parts of Scotland, which had formerly been used for such iniquitous purposes. These instruments were so constructed that, by means of a hoop which passed over the head, a piece of iron, having four points or prongs, was forcibly thrust into the mouth, two of these being directed to the tongue and palate, the others pointing outwards to each cheek. This infernal machine was secured by a padlock. At the back of the collar was fixed a ring, by which to attach the witch to a staple in the wall of her cell. Thus equipped, and night and day "waked" and watched by some *skilful* person appointed by her inquisitors, the unhappy creature, after a few days of such discipline, maddened by the misery of her forlorn and helpless state, would be rendered fit for confessing anything, in order to be rid of the dregs of her wretched life.' The 'waking,' however, was not confined to witches. In 1616 a Jesuit called John Ogilvie was so tortured, and for a space of eight days was, in the quaint but expressive language of the Report, 'compellit and withholdin, perforce, from sleep, to the great perturbatioun of his brayne, and to compell him *ad delirium*.'<sup>37</sup> Madness, indeed, was a not infrequent consequence of this form of torture.

The barbarity of the tortures wreaked upon persons of both sexes suspected of witchcraft or sorcery is sufficiently instanced by the well-known cases of Alison Balfour,<sup>38</sup> and Dr. Fian, *alias* Cunningham, schoolmaster at Saltpans, in Lothian.<sup>39</sup> The former was kept in the 'vehement torture of the caschielawis' for 24 hours; at the same time, and in order to induce her the more readily to confess, her husband, an aged man, and her eldest son and daughter were tortured before her eyes; the husband was put in the 'Long Irons' of fifty stone weight, the son was 'extremely booted' to the incredible extent of fifty-seven strokes of the hammer, and her daughter, aged seven, was 'put in the pinniewinkis.'

The tortures inflicted upon Fian, however, were even more barbarous and revolting. In the first place, his head or neck was 'thrawn' or twisted with a rope; he was then 'put to the most Severe and Cruell paine in the worlde called the booties';

<sup>36</sup> Pitcairn, i. (ii.) 50.

<sup>37</sup> Pitcairn, iii. 332.

<sup>38</sup> Pitcairn i. (ii.) 375-6.

<sup>39</sup> Pitcairn, i. (ii.) 219.

shortly afterwards the nails of all his fingers were torn out with pincers, two needles having previously been thrust under every nail 'over even up to the heads'; this proving unavailing to extort a confession, he was again subjected to the boot, 'where he continued a long time, and did abide so many blowes on them that his legges were crusht and beaten together as small as a might bee; and the bones and the flesh so brused that the blood and marrow spouted forth in great abundance, whereby they were made unserviceable for ever!' But, continues the report, 'all these grievous paines and cruel torments' failed to extort a confession, 'so deeply had the Devil entered into his heart'. Thereafter, by way of a terror and example to all others 'that shall attempt to deall in the lyke wicked and ungodlye actions as witchcraft, sorcerie, conspiracy, and such like,' Fian was condemned to die in the special manner provided by the law of the land 'on that behalfe'; and he was accordingly conveyed in a cart to the Castle Hill of Edinburgh, and having first been strangled at a stake, his body was thrown into a fire, 'readie provided, and there burned . . . on a Saterdaie in the end of Januarie last past, 1591.' The narrative then quaintly but significantly proceeds to observe, 'The rest of the witches which are not yet executed, remayne in prison till farther triall and knowledge of his Majestie's pleasure.'

The 'Turkas' mentioned by Pitcairn seem to be a corruption of the Old French *Turquois* or *truquaise*, signifying a smith's pincers, and was an instrument sometimes used for tearing out the nails of the fingers and toes! This excruciating and barbarous torture was, as has been mentioned, applied among others to Fian in 1590: 'His nailes upon all his fingers were riven and pulled off with an instrument called in Scottish Turkas, which in English we call a pair of pincers, and under every nayle there was thrust in two needels over even up to the heads.'<sup>40</sup> This mode of torture was apparently also employed in England, and it is said that Campion, the Jesuit priest, executed in 1581, in addition to the horrors and agonies of the thumbscrew, the rack, the 'Scavenger's Daughter,' and 'Little Ease,' had also endured needles being driven under his nails, and the nails themselves being torn out! It is possible that the *Tosots* mentioned by Roystoun, and of the nature of which he declares himself ignorant, were the same as, or analogous to, the Turkas.

Scourging with ropes ('towis'), even to the extent of flaying

<sup>40</sup> Froude, *Hist. of England*, chap. xxviii.

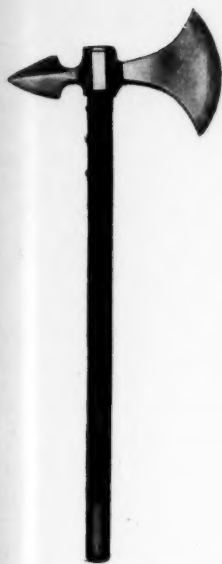


FIG. 19.—Scottish Headsman's  
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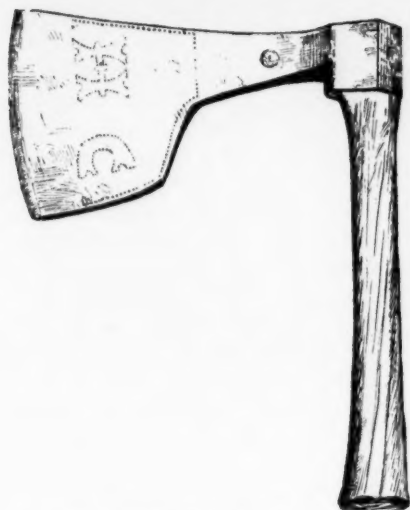


FIG. 20.—Headsman's Axe of St. Andrews.



FIG. 21.  
Executioner's Axe  
used at Stirling.

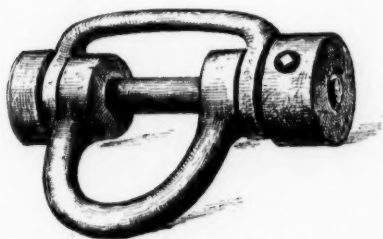


FIG. 22.—Single Anklet.



FIG. 23.—Double Anklet.

#### AXES AND ANKLETS.

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was also employed as a means to overcome 'contumacy,' as well as being a frequent and regular form of punishment. Thomas Palpla, servant to the Master of Orkney, was in 1596, so tortured on suspicion of being concerned, along with his master, in the crime with which the latter was charged. He is said to have been 'kepit in the caschielawis ellewin days and ellewin wychtis; tuyise in the day, in the space of fourtene dayis, callit in the buitis; he being naikit in the mean tyme, and skairgeit with towis, in sich soirt, that they left nather flesch nor hyde upoun him.' <sup>41</sup> As late as 21st February, 1715, a woman named Elizabeth Orrock was scourged for alleged concealment and child murder.

The example of cruelty set by the regular tribunals was frequently rivalled and sometimes almost excelled by nobles or private individuals in positions of authority, and they were sometimes called to account for their arbitrary violence, although it unfortunately cannot be doubted that many instances of hideous cruelty were perpetrated unknown to any except those chiefly concerned, and which never were divulged. In 1598 three men were tried on a charge of having inflicted shocking cruelties on a young woman in order to induce her to make a confession of theft. They were accused, in particular, of having employed the 'Harrow-Bore.' They were said to have forced her to put her finger in the bore of a harrow, driven wedges into the bore round about her finger, tearing the flesh, cutting the sinews, and breaking the bones, and thereby forcing the blood to burst out at the ends of her fingers; further, they were accused of having placed red-hot tongs between her shoulders and under her arms until they became cold, and then to have starved her for 48 hours! <sup>42</sup>

The torture of the harrow-bore, or, as I have seen it erroneously described, 'narrow-bore,' is said to have been 'infinitely more cruel than the thumbscrews or the pilniewinkis.' <sup>43</sup> Again, in July, 1620, three men were outlawed for failing to appear to a charge of having usurped the Law's authority by keeping as a prisoner in a deep dungeon or pit, in the depth of winter, and *starving to death* a man whom they suspected; and of having afterwards hung and exposed his body on a gibbet! Several other similar instances are recorded, of which may be mentioned the trial of Patrick Cowie and four others on 10th November, 1619. <sup>44</sup>

<sup>41</sup> Pitcairn, i. (ii.) 376.

<sup>43</sup> Pitcairn, ii. 46, Note 3.

<sup>42</sup> Pitcairn, ii. 44, 46.

<sup>44</sup> Pitcairn, iii. 491.

There were many varieties of *tortured execution* in use in Scotland from time to time, the chief of which may be said to have been breaking on the wheel, strangling, burning, drowning and mutilation. Sir George Mackenzie, in his ancient treatise somewhat quaintly expresses his disapproval of tortured execution observing,<sup>45</sup> 'Torturing punishments at death are also very inexcusable, for they oft-times occasion blasphemies in the dying Malefactor, and so damn both Soul and Body, whereas the Soul should be allowed to leave quietly this Earth and go in peace to the Region of Peace.'

In at least two instances murder was punished by breaking on the wheel; but, until hanging was first employed for the crime on 30th July, 1630,<sup>46</sup> beheading was always the punishment whatever the rank of the criminal, the right hand or even both hands being sometimes ordered to be previously struck off. Breaking on the wheel was reserved for specially atrocious cases. On 30th April, 1591, one John Dickson, for the crime of parricide, was sentenced to be 'broken upoun the row' (wheel), and on 26th June, 1604, Robert Weir, for the murder of Kincaid of Warriston, was sentenced to be broken alive upon a wheel, and to lie there for 24 hours, and, thereafter, the wheel with the body on it to be set up and exposed in a public place between Warriston and Leith until orders should be given for its interment.<sup>48</sup> Cawdor, the trooper who shot the Regent Murray in 1571, is said, also, to have been broken upon the wheel,<sup>49</sup> but there is no report of his trial.

The usual mode of breaking on the wheel, as adopted from the practice of France and Germany, was to lay the prisoner on his back, bound 'spread-eagle' by his wrists and ankles, on either an actual wheel or a frame of similar construction, in a horizontal position. The wheel being slowly revolved, the executioner brought a sledge hammer down in turn upon the leg or arm as it came round. Sometimes, as a merciful dispensation, the executioner was empowered to bring his hammer down upon the victim's stomach, and this blow was styled the *coup de grace*.

Strangulation at a stake, followed by burning, as well as

<sup>45</sup> Mackenzie's *Criminal Law* (1678), p. 558.

<sup>46</sup> M'Laurin, xl.

<sup>47</sup> Pitcairn, i. (ii.) 241.

<sup>48</sup> Pitcairn, ii. 448; M'Laurin, Introduction, xl. M'Laurin styles him *William* but there is no doubt as to the identity of the case.

<sup>49</sup> Froude, *Hist. of England*, vol. x. cap. xxi.

burning 'quick' or without previous strangulation, were modes of execution frequently employed towards persons convicted of witchcraft or sorcery. Thus, on 30th March, 1622, Margaret Wallace was sentenced to be strangled to death and afterwards burnt, or, in the quaint language of Pitcairn, 'to be tane to the Castell-hill of Edinburgh, and thair to be wirreit at ane stake to the deid; and hir body thaireftir to be brunt in asches.'<sup>50</sup>

Of persons so 'wirreit and brunt in asches' (or 'assis'), or who were 'brunt quick' for 'witchcraft, sorcerie, conjuration, and such lyke' may be mentioned, out of a long list, Beigis Tod (2nd March, 1608), Isobel Griersoun (10th March, 1607), Janet Stewart, Christian Lewingstoun (Livingstone), and Christian Sadler (12th November, 1597), Dr. Fian (January, 1591), Patrick Lowrie (23rd July, 1605), Christian Stewart (27th November, 1596), Janet Boyman (29th December, 1572), Grisel Gairdner (7th September, 1610), Janet Grant and Janet Clark (17th August, 1590), Bartie Paterson (18th December, 1607), and many others, forming a melancholy record of cruel superstition. An acquittal on a charge of witchcraft seems to have been the rarest possible occurrence. I have been able to discover only three such instances in the cases of Bessie Roy (18th August, 1590), Alison Jollie (30th October, 1596), and Agnes Sampson (9th June, 1591); and in the last case the majority of the jury who acquitted her were brought to trial for wilful error.<sup>51</sup>

Strangulation and burning was not, however, confined to cases of witchcraft. It was often employed to punish forgery and certain other serious crimes. Thus, out of many instances, one Henry Wynd, convicted of forgery on 17th November, 1556, had his sentence of strangulation at a stake commuted 'by special grace' to decapitation;<sup>52</sup> in March, 1598, Ralph Wallace was sentenced to be strangled and burnt for forgery; a similar sentence was inflicted for the uttering of base coin upon Thomas Glass in June, 1601; for the same offence Thomas Pebbis (Peebles) was, in March, 1564, sentenced to be hanged, beheaded, quartered, and his head and members to be exposed at the city gates; in August, 1670, a Major Thomas Weir was sentenced for an abominable crime to be strangled at a stake, and his body afterwards burnt;<sup>53</sup> for a similar crime one Thomas Fotheringham was so sentenced as late as 11th November, 1702; and in 1727 Margaret Nisbet was hanged for forgery. Drowning,

<sup>50</sup> Pitcairn, iii. 536.

<sup>51</sup> Pitcairn, i. (ii.) 216, Note 2.

<sup>52</sup> Pitcairn, iii. 536.

<sup>53</sup> M'Laurin's *Decisions*, 1.

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as being then considered both more gentle and more delicate was the usual mode of punishment of females for crimes of less magnitude, as in the case of Janet Anderson, convicted 26 April, 1533, of fireraising; but for more serious crimes, such as Treason, Witchcraft, Murder, and such like, they were ordinarily beheaded or burnt at the stake.<sup>54</sup> It was considered barbarous and highly indelicate to hang women, but there are nevertheless several instances of such a sentence being inflicted on women. In July, 1554, Helen Paterson was hanged for 'forging false money, like bawbeis (half-pennies) and half-bawbeis;' and in 1727 Margaret Nisbet was hanged for forgery. The execution of women by drowning was common in all Regality and Barony Courts having a feudal right of *pit and gallows*. When such sentences were pronounced by the Bailies of Edinburgh or by the Bailie of Regality of Broughton, the Nor' Loch was always the place of execution, and many bones of victims have been unearthed there.<sup>55</sup> The execution of Grisel Mathew for treason (23rd June, 1599) is supposed to be the only instance of a sentence of drowning passed by the High Court of Justiciary in the reign of James VI. Crucifixion does not seem to have been employed in either Scotland or England as a mode of torture or execution, nor, in the former country at least, do we find instances of disfigurement. The reason for this is probably to be found in the Roman Law, and in Mackenzie's observation that the Roman Emperor Constantine forbade it because of his respect for the Cross, 'and this he did likewise forbid, to stigmatise the face, because the face is God's image.'<sup>56</sup> Such principles it may well be believed, would readily appeal to a superstitious religious people. Certain crimes of a specially horrid nature were, according to Mackenzie,<sup>57</sup> usually tried at night privately and the malefactors immediately hurried off to the Nor' Loch whose waters closed over them, without even a record being made in the Journal Book of their unhappy fate. Roystoun on this point, in his MSS. Notes, observes, 'for the reasons here mentioned or for reasons of State, as practised in other countries';<sup>58</sup> and we are left to realise the convenient elasticity of the term 'reasons of state!'

In Scotland only the Privy Council and the Justiciary could

<sup>54</sup> Pitcairn, i. \*162.

<sup>55</sup> Pitcairn, ii. 93, p. 94, Note 3.

<sup>56</sup> Mackenzie's *Criminal Law* (1678), p. 558.

<sup>57</sup> p. 557.

<sup>58</sup> Roystoun, MSS. Notes on Mackenzie's *Crim. Law*, 273.

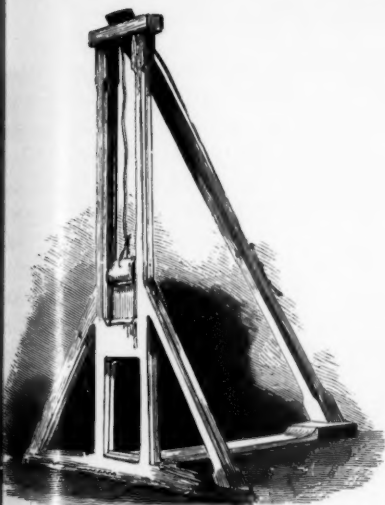


FIG. 24.—“The Maiden” used in Edinburgh for beheading, among others, Regent Morton, 1581; Marquess of Argyll, 1661; Earl of Argyll, 1685.



FIG. 25.—Repentance Stool formerly used in old Greyfriars Church, Edinburgh.



FIG. 26.—Blade of the Aberdeen Maiden.



FIG. 27.—Stirling Hangman's ‘Caup’ or Cap. He might take a handful of grain out of each sack on market day till his ‘Caup’ was full.



FIG. 28.—Hangman's Ladle used in Kelso for measuring his handful of grain.

#### REPENTANCE STOOL AND MAIDEN.

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order torture, and it was not competent to an inferior judge.<sup>59</sup> The Justiciary could only torture previous to trial 'by way of precognition, and what the person who underwent it confessed, was proved at his trial.' As has been sufficiently seen, however, the Court of Justiciary was in the habit of ordering punishments and execution involving prolonged agony and unnecessary suffering.

The ordinary and recognised forms of judicial torture seem to have been in use till well on in the 17th century, and it was not finally abolished until 1706. Alastair Grant was condemned to death in August, 1632, for theft and robbery, having previous to his trial been unsuccessfully tortured both with the boot and the pinniewinks.<sup>60</sup> While the Duke of York governed Scotland towards the close of the reign of Charles II., torture was freely employed. Macaulay states<sup>61</sup> that 'The administration of James was marked by odious laws, by barbarous punishments, and by judgments to the iniquity of which even that age furnished no parallel. The Scottish Privy Council had power to put State prisoners to the question. But the sight was so dreadful that, as soon as the boots appeared, even the most servile and hard-hearted courtiers hastened out of the chamber. The board was sometimes quite deserted; and it was at length found necessary to make an order that the members should keep their seats on such occasions. The Duke of York, it was remarked, seemed to take pleasure in the spectacle, which some of the worst men then living were unable to contemplate without pity and horror. He not only came to Council when the torture was to be inflicted, but watched the agonies of the sufferers with that sort of interest and complacency with which men observe a curious experiment in science. Thus he employed himself at Edinburgh.'

It may not be out of place to mention here that sometimes, as though the barbarities inflicted upon the living body were not sufficient, the lifeless corpse was subjected to various indignities; it was often dismembered and mutilated in a shocking manner. In several instances the bodies were ordered to be hung in chains on a gibbet. M'Laurin erroneously considers the case of *Macgregor*, in March, 1637, to have been

<sup>59</sup> Mackenzie, *Crim. Law*, 543; M'Laurin, *Decisions*, Introduction, xxxvii.

<sup>60</sup> M'Laurin, *Decisions*, Introduction, xxxvi.

<sup>61</sup> Vol. i. chap. ii.

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the first instance of such a sentence;<sup>62</sup> but there was one Thomas Armstrong condemned, on 14th November, 1601, for the murder of the Warden of the West Marches, to have his right hand struck off, then to be hung in iron chains on the gibbet on the Burgh Muir.<sup>63</sup> Macgregor was sentenced to be hung in chains 'on the gallowlee till his corpse rot.' The earliest instance, however, of hanging in chains contained in the Books of Adjournal is the case of John Davidson, who was for piracy condemned on 6th May, 1551, to be 'hanged in irons' at a stake within flood mark on the shore at Leith until he died, and until his remains were thereafter consumed by the action of the elements. For the same crime Peter Love and seven others were sentenced, on 8th December, 1610, to be executed in a similar manner at the same place.

There were certain persons who in theory were exempt from the pains of torture. Minors, women, aged and sick persons were embraced within this exemption by reason of their assumed want of fortitude and readiness thereby to admit anything; and there was also included persons 'eminent' by reason of their accomplishment or of their services to the State,<sup>64</sup> but there are in the books striking instances of its disregard. Further, by the theory of the law, according to Mackenzie, if the person tortured were to die, those who tortured were punishable as murderers;<sup>65</sup> but Roystoun in his MSS. *Notes* inserts the significant qualifying word 'unjustly,'<sup>66</sup> thereby implying a full recognition of the practice.

In 1666 it seems to have been held that it was incompetent to torture 'the West Country men condemned for Treason,' in order to induce them to divulge their accomplices; upon this point, however, Mackenzie observes, writing in 1678: 'Yet all lawyers are of opinion that even after sentence criminals may be tortured for showing who were the complices.'<sup>67</sup>

Although the scope of this article is confined to England and Scotland, it is not inappropriate to refer in a few words to Ireland. In that country the use of torture was not sanctioned either by the common law or by statute; but, although the recorded instances of its judicial employment are singularly few in number,

<sup>62</sup> M'Laurin, Introduction, xl.

<sup>63</sup> Pitcairn, ii. 363.

<sup>64</sup> Mackenzie, *Crim. Law*, 545; Roystoun's *Notes*, 273; M'Laurin, Introduction, xxxvii.

<sup>65</sup> Mackenzie, 561.

<sup>66</sup> Roystoun, MSS. *Notes on Mack. Crim. Law*, p. 273.

<sup>67</sup> Mackenzie, *Crim. Law*, p. 545.

they suffice to show on occasion that striking discrepancy between the theory and the practice of the Law so marked in the English procedure. The right to torture at discretion, if necessary, 'upon vehement suspicion and presumption of any great offence' was actually granted to the President and Council of Munster in 1566,<sup>68</sup> and, in 1627, in reply to doubts expressed by the Lord-Deputy in Ireland as to his right to torture one O'Cullenan, a priest, the Royal opinion and authority was given that he might, 'with boldness and without shadow of doubt, execute the uttermost of the law, not only for putting to the rack, but even to take away that man's life, or as many others as shall be found guilty of treason of like high nature,' and that he 'ought to rack him if he saw cause, and hang him if he saw reason.'<sup>69</sup>

The recorded instances, however, of the actual official employment of torture in Ireland are some three or four in number, and the case of O'Cullenan is a somewhat uncertain one, since it is doubtful whether the authority was ever executed. Of the first three, two occurred in Dublin itself, while the third case was that of an Irishman named Thomas Myagh, who was brought over to London by command of the Lord-Deputy of Ireland to be examined by torture in the Tower concerning communication with rebels. He was tortured with 'Skevington's Irons,' but these apparently proved insufficient, for an entry in the Council Book of 30th July, 1581 shows a warrant and direction to the Lieutenant of the Tower and certain others to 'deale with him with the racke in such sorte as they shall see cause.'

Of the first two cases, one was that of an Irish priest called Hurley, who was satisfactorily tortured by toasting his feet against the fire with hot boots, and Irish tradition further has it that melted resin was poured into his boots! This procedure took place by order of the Irish Council, acting on instructions from London, and the peculiar method chosen was due to the fact that there was 'no rack or other "engine" in Dublin.'<sup>70</sup> The other case was that of one O'Kennan, who was tortured in Dublin by order of the Lord-Deputy.<sup>71</sup> There was also the case of a man Rice, a buckle-maker, who was ordered by the Privy Council to be 'put in fear of the torture,' and to 'feel some smart

<sup>68</sup> Irish MSS. Rolls House, Presidency of Munster, Feb. 1, 1566; Froude, *Hist. of England*, chap. xi.

<sup>69</sup> See papers in the State Paper Office.

<sup>70</sup> Froude, *Hist. of England*, chap. xxvii.

<sup>71</sup> See *Calendar of State Papers* (Irish Series, 1615-1625), p. 78.

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of the same' to elicit evidence as to a robbery of plate in which he was supposed to have been concerned.<sup>72</sup> Rice was apparently brought over to London for the purpose, as the warrant or letter is directed to the Lieutenant of the Tower.

The consideration of all that has preceded enables us to realize the vast and humane change that has within the last two hundred years passed over the spirit of our Laws and their administration. It was not, indeed, until within quite recent times that the extraordinary number of capital offences in the Books was reduced to its present limited dimensions; but long ere that many of them had sunk into complete desuetude, and those that remained had long been considered and treated with a gradually growing humanity. It may, indeed, safely be asserted that the lot of a prisoner in these islands to-day, dominated before conviction by the presumption of innocence, and controlled as it is after sentence by the humane principle of regeneration rather than by that of mere punishment, is truly a paradise compared with that of his unhappy predecessor of bygone times.

R. D. MELVILLE.

<sup>72</sup> *Irish MSS. Rolls*, 18th Jan., 1567

### NOTE AS TO ILLUSTRATIONS.

For further information with regard to Instruments of Torture, including those figured in this paper, reference may be made to the *Proceedings of the Society of Antiquaries of Scotland*, Vol. XI. (1876), p. 17; *Proceedings of the Society of Antiquaries*, Vol. XXV. (1891), p. 463, paper by Mr. A. J. S. Brook on Thumbscrews and the application of Torture in Scotland; *Catalogue of the National Museum of Antiquities of Scotland*, Edinburgh (1892), p. 348; *Scottish National Memorials* (Glasgow, MacLehose, 1890), p. 328, article on Torture and Punishment, by Professor John Ferguson; *Prehistoric Annals of Scotland*, by Daniel Wilson, 2. Vols. (London, Macmillan, 1863), Vol. II., p. 516; *Scottish History and Life* (Glasgow, MacLehose, 1902), p. 288, chapter on Aspects of Social Life in Scotland, by Rev. Henry Graham.

The Editor is indebted to the Society of Antiquaries of Scotland for the loan of Figs. 4-8, 10, 15, 24 and 25, and to Messrs. T. & A. Constable for the loan of Figs. 2, 3, 11-13, 16-18, 20, 22, 26, 27.

## James VI. and the Papacy

CONSIDERABLE importance, from the point of view of the papal policy in a critical period as well as from that of the motives accounting for the successive phases in the attitude of James—both before and after he had become James I.—towards the Church of Rome, attaches to this<sup>1</sup> product of Dr. A. O. Meyer's researches in the Vatican Archives. I had long interested myself in the question as to the conversion of James' consort, Anne of Denmark, to the Church of Rome; and, having in this matter at first followed too cautiously in the footsteps, themselves cautious, of the late Professor S. R. Gardiner, had thought it only right to confess that the researches of Mr. J. Stevenson, Dr. Bellesheim and Father Plenkens had entirely converted me to accepting as established the fact of the Queen's change of creed. So far back as 1889, in the columns of the *English Historical Review*,<sup>2</sup> Mr. W. Bliss noted a very striking confirmation of this conclusion, in the shape of a letter addressed by Pope Paul V. to his Nuncio at Paris. But the date of this document was 1612, and the Pope's acceptance of the report seemed hardly to go beyond an indication of his belief in its truth. Dr. Meyer, on the other hand, while he lets in much light besides that which has already been supplied by the researches of the late Dr. Law and others upon the whole course of the communications between King James and the Vatican in the critical decade beginning with the years 1595-6, makes it clear that during this period the fair and (as it has been usually thought) frivolous Queen Anne played the not unfamiliar part of the irretentive because irresponsible partner. The conclusion reached by the writer of this instructive essay—a con-

<sup>1</sup>*Clemens VIII. und Jakob I. von England*. Von Arnold Oskar Meyer. (Separat-Abdruck aus *Quellen und Forschungen aus italien. Archiven und Bibliotheken*. Herausgegeben vom K. Preuss. Historischen Institut in Rom.) Rome: Loescher & Co., 1904.

<sup>2</sup>Vol. iv., p. 110.

clusion from which even the most persistent admirers of King James' power of 'detachment' will find it difficult to differ—is little to the credit of the King. Dr. Meyer, indeed, thinks that it admits of being presented in the words of Cardinal Bellarmine, to the effect that the charge of perfidy suggested by these negotiations is not to be laid at the door of Pope Clement VIII.

Dr. Law, in a series of papers included in the fascinating volume of *Collected Essays and Reviews*, lately edited by Professor Hume Brown, has traced the progress of the earlier intrigues between Scotland and Rome in the reign of James VI., not concealing that even the earliest of these, the transactions between Father Watts and the young King, are overspread with obscurity, but pointing out with suggestive skill the want of unity of purpose in these efforts. He has also told the curious story of the 'Spanish Blanks' (1592-4), and printed the extraordinary document which was found with the Blanks, but which had originally been intended for the guidance—save the mark!—of John Ogilvie, laird of Pourie, in some secret commission connected with the project of a Spanish invasion, into which the Scottish King was to 'dip.' In none of these proceedings has Dr. Law found anything to make against the view, put into very uncomplimentary words in 1601 by the Jesuit Father MacQuirrie, that 'the King hated all Catholics, except so far as he could make use of them for the purpose of furthering his designs upon the English Crown.'

These results are entirely borne out by the researches of Dr. Meyer as to later years. The mission to Rome in 1595-6 of the same John Ogilvie of Pourie was a mere feeler. As to the letter carried to the Pope in 1599 by Sir Edward Drummond, apparently (as Dr. Law thinks) in company with Father Crichton, though its contents were in themselves of quite secondary importance (the request of a red hat for the Scottish Bishop of Vaison), the signature '*Obsequentissimus filius*' was manifestly full of meaning; and though the genuineness of this signature was doubted by Gardiner, it seems impossible to allow credit to the King's solemn disclaimer. For not only did James pardon his secretary, Elphinstone (afterwards Lord Balmerino), who had been condemned to death for committing a fraud in the securing of the royal signature. But the Pope's reply (with the leisurely date of April, 1600), discovered by Dr. Meyer, and two briefs which followed, set the question at rest, showing

as they do that the royal communication was regarded at Rome as a hopeful sign of James' approaching conversion, although Clement prudently abstained from expressing the approval of the Scottish King's succession to the English throne, for which that canny prince had been angling.

In 1601 the same Sir Edward Drummond appears to have been the bearer of letters from Rome, on the receipt of which he was furnished by Queen Anne with instructions for the reply to be made by him on his return to the Pope. The fact that in his subsequent answer the Pope thanked the Queen for her letter proves that such a letter was entrusted by her to Drummond with her instructions, just as the King had done on a previous occasion. In these instructions, the substance of which agrees with that of a letter addressed by the Queen from Dalkeith in July, 1601, to Cardinal Borghese, the Protector of the Scottish nation at Rome, recently published by Dr. J. F. Warner in the *English Historical Review*,<sup>1</sup> Anne professes herself a Catholic and states that she is educating her children in the Catholic faith. She begs that the Pope will excuse the King's temporary reticence, inasmuch as his former letter (the very letter which James denied having signed) had fallen into the hands of Queen Elizabeth, who had menaced him with exclusion from the succession, if he were to treat with the Pope to the disadvantage of the Protestants. She therefore, writing with the King's knowledge and assent, begs for the Pope's consideration of their difficulties, and for his absolution and benediction. In the reply addressed in 1602 by Clement VIII. to the Queen, he expressed the hope that her conversion would be followed by that of her consort.

In the same year Sir James Lindsay (a diplomatist who, in accordance with the bad habit of the age, drew Spanish as well as English pay) communicated to the Scottish King and Queen two Papal briefs, urging them to bring up their eldest son as a Catholic—a recommendation which, as Dr. Meyer points out, preceded by two years the analogous journal which, as Gardiner thought, rudely awakened James from his dreams of a reunion on eirenic principles. At the same time, if James is to be credited, the Pope promised in return to support the succession of James by his influence, and by money.

<sup>1</sup> January, 1905.

Soon afterwards, on the decease of *ea mulier*, there followed the well-known transactions which exhibit Clement VIII. as applying all his tact and temper to make a second Henry IV. of France of James I., and applying it in vain. His hopefulness was founded in part on the correspondence already referred to, and in part on the obliquities of King James, who had actually arranged for an expurgated edition of his *Basilikon Doron*, in *usum P.O.M.* At last, early in 1605, Sir James Lindsay was, with nugatory excuses for the delay that had intervened, sent to Rome. He was provided with instructions drawn up about a twelvemonth before, in which the proposed education of the Prince of Wales as a Catholic was represented as out of the question, and the clock was coolly set back for half a century or so by the suggestion of a General Council for the restoration of the unity of Western Christendom. But so far from their being damped by Lindsay's communication, the hopes cherished at Rome for the conversion of England, as is well known, rose to their highest point in the year preceding that of Pope Clement VII.'s death, and of Gunpowder Plot. What Lindsay actually said to the Pope, and what further promises were contained in the letter entrusted to him by the Queen on this occasion, we can only guess; but we know that in his reply, which he addressed her for the first time as '*Carissima filia*,' he predicted that she would be found among the most illustrious of the women celebrated *divinis in literis*. Whatever we may think of the part taken, with a light heart or otherwise, in the religious history of her consort's reign by Queen Anne, its significance has clearly been much enhanced by Dr Meyer's researches, while they have not impaired the conclusions of a much lamented Scottish historian as to the religious policy of King James himself.

A. W. WARD.

## Rob Stene: a Court Satirist under James VI.

Whosoever the author who lies concealed under the designation of Rob Stene may be, he is evidently entitled to a very respectable rank among the Scottish 'Makaris.'

Preliminary Notice by editors of *Rob Stene's Dream*, Maitland Club, 1836.

CRITICISM continually recurs to the rudiments. There is always debate about authorship; a Scots critic needs to be a biographer, and a biographer a critic. Elementary questions of personal identity are only slowly solved. Some Scots have a hard fight even to maintain their long-vouched poetic existences. Rob Stene has not yet so much as established his. In 1836 the editors of *Rob Stene's Dream*, a clever allegorical satire on Sir John Maitland, Chancellor of Scotland from 1587 till 1595, remarked that there was ample room for conjecture with regard to the author. No poet of that name had been noticed, and as the poem was a satire the author who wrote in an early line,

Remember thow art bot Rob Steine,

was, the editors thought, in all probability not using his real name. They considered, only to discard, the suggestion from an obscure line by Polwarth in the 'Flying' with Montgomerie (l. 660)—

Rob Stevin thou raves forgetting whom thou matches—

that it might have been a name occasionally assumed by Montgomerie. They very properly observed that as the *Dream* itself introduces a warm encomium of Montgomerie—

Montgumry quhome sacred nymphis  
In Helecon with hallowit lymphis  
And in Parnase the Muses myld  
Did foster as thair proper chyld—

Rob Stene could hardly have been an alias of the author of *The Cherrie and the Slae*.

So the question stood until three years ago when *Laurel Regius being Poems and other Pieces by King James ye First* was published by Mr. R. S. Rait, numbering in its contents 'An admonition to the Maister Poete to leave of greit crakking.' This example of coterie-poetry at the court, probably about the year 1584, concerned a horse-race wherein the Master Poet's mount, Montgomerie's 'broune,' was left behind 'a prettie space, a mile or mair.' Hence Montgomerie was teased by the royal poet:

Quhen a' was done ye had sa ill a grace,  
Ye sta away and durst na maire be sene;  
Ye sta away and luikit lyke Rob Stene.

On Mr. Rait's remark that it was uncertain whether Rob Stene was the name of a real person, a reviewer in the *Athenaeum* (20 July, 1901) said that the most important fact not editorially commented upon was the survival of the printed but scarce poem, the *Dream*. Rob's conjunction in the King's *Admonition* with undisguised and well-known personalities—Hudson, the English 'violar,' Polwarth of 'Flying' fame, and Montgomerie himself—certainly make powerfully for his reality if it does not set it on an undoubted base.

More than a year ago a casual hour spent over the MS poems of 'J. Stewart of Baldynneis' (Adv. Lib. 19-2-6) disclosed to me a number of things of historic rather than poetic interest in the volume, which bears on a flyleaf the inscription 'King James ye first Brought this Booke with him out of Scotland.' In his dedication to James VI. of an abridged translation of Ariosto, Stewart modestly says: 'I grant I haif meikill errit not only in electing of ane so small and feckles subject as als be the inept orthographie and Inleghed scribbling of my Imprompt pen.'

Among sundry miscellaneous pieces, some of them dated 1582 and 1583, is one which both holds out indications of the personality of our hidden poet, and of his production of poems other than the *Dream*, which its editors lucidly demonstrate to have been composed in 1591 or before March 1592. Stewart's piece would seem to belong to near the same time as King James's *Admonition*, and may be set down as probably six or seven years earlier than the *Dream*. Here is its heading with the opening lines.

## A Court Satirist under James VI. 255

Ane new sort of rymand rym rymand alyk in rym and rym rynd efter sort  
of guid Rob Steine. Tein is to purches Robs teine.

This rym I form to 3our excellent grace  
Grace gyd 3ow ay for god hes lent grace  
Grace lent from god guverns fra all misdeid  
Misdeid finds grace be doing almisdeid  
Deid dochtie done is Justice to menteine  
Menteind with mycht thocht it do to men teine.

And so on through a series of verses which are just so much  
balderdash tied up in duplicated rimes, each line beginning  
with the last word of the line before. The poetic merit is nil;  
among the chaff the sole grain of corn is the mention of 'Guid  
Rob Stene.'

When we examine the 42nd and 43rd of Montgomerie's  
sonnets we shall certainly find him using this 'sort of rymand  
rym,' in alternate rimes however, not in couplets, and not  
rhyming on the same word.

I wald se mare nor ony thing I sie;  
I sie not get the thing that I desyre  
Desyre it is that does content the ee  
The ee it is whilk settis the hairt in fyre.

These two most unimportant examples of the use of an  
analogous fantastic measure no whit serve to connote Rob Stene  
with Montgomerie. On the contrary they seem to complete the  
negation, for by their entire exception to Montgomerie's general  
versification, they demonstrate that this artificial type was no  
characteristic conceit of the 'Maister Poet' of the Court of  
King James the Sixth.

We return to 'Guid Rob Stene' to note that the adjective  
is incompatible with a fictitious name. 'Guid' is personal, the  
epithet not of an abstraction but of a man. We may find it  
assist in a final identification.

Between 1583 and 1592 therefore we have found Rob Stene  
as at least a poetic person; his name is used by Stewart, by King  
James, and by himself without apparent ambiguity; only the  
mysterious line of Polwarth in the *Flying* offers a spark of  
ambiguous suggestion for an opposite sense to the apparent  
actuality of the man, who to boot is 'guid.' Now in the very  
midst of this period thus poetically covered there turns up in  
the last published volume of the Exchequer Rolls (xxi. p. 410)  
a veritable Robert Stevin in the royal service during twelve  
months of 1587-1588:

'Item to Robert Stevin for his vaiges during the spaice foresaid  
takand monethlie £6, summa

Thus, whether a poet or only a stalking horse for a poet, Rob Stene received what for the time was a very respectable allowance, more than the king's falconer or his gardener, or his master of the lardner, although the 'chirurgeoun' drew £200 a year. Rob's precise function is not disclosed, but one may trust that Mr. G. P. M'Neill, in the course of his further editorial work on the Exchequer Rolls, may light on helpful information. 'Remember thow art bot Rob Steine'—this admonition addressed to himself clearly suits the grade, mediocre but respectable, which Robert Stevin held in 1588. His 'Dream' is distinguished equally by its sly humour, its range of poetic allusion, its skilful use of beast-fable for political ends, and its outspoken application to the wily Chancellor Maitland. That crafty statesman is struck at under the figure of Lawrence, the fox who had betrayed the Lioness, *i.e.* Queen Mary; illuded the Lion, *i.e.* King James her son; and set himself against

Their peirles perle your princely peir,

*i.e.* King James's Danish consort Anna, wedded about a year before the date of the poem.

In Rob's vision the Lion goes hunting with Lawrence the Fox, but the fox carries off all the prey. The hounds that ought to have guarded the Lion's interest failed of their duty. Whereupon Rob loudly protested, declaring that as the Lioness had been lost through the treason of Lawrence, so the Lion should beware lest he be similarly undone, part of the counsel thus given taking the form of a narrative of the fable of the ram which was induced by the fox to denounce and procure the hanging of the watch-dogs that kept the flock. In consequence the defenceless flock was devoured, and the ram himself worried to death by the wolf:

The ram fell down and gaif the gaist  
And bullerand thruch his bludy breist  
He cursit the fox and socht a preist  
He rewit to lait, sa sall all thais  
That haitis their friendis and trustis their fais,

Then comes a direct and urgent exhortation against the Chancellor. Throughout the poem, equally in its fable and its dialogue, there is a constant political and satiric application. The vision is skilfully used as the medium for a mass of satire against

the Chancellor—his zeal for religion, his self-sufficiency, the meanness of his origin, the height of his pride, his avarice, the airs of his wife, his dangerous and unpatriotic English policy, his cunning and treason, his epigrams even against his royal master. Indeed the vision is a very clever chapter of national history, marking the course of the courtly undercurrents which were soon to carry away the unpopular Chancellor. There is much more satire than story: the object was a political attack, undisguised. If not by a direct partisan of Francis, Earl of Bothwell, the Chancellor's bitter enemy, then in court disfavour, the *Dream* obviously favoured the policy of that rather reckless nobleman. Whatever his precise objects may have been in a party sense, the satirist was fearlessly hostile to the already waning Chancellor, directly endeavouring to set both King and Queen against him. At the close of the poem Pasquin 'of Rome,' being invoked, declines to intervene,

Saying 'Rob Steine, thocht thow be vaine,  
Thow neidis na gloiss to mak the plane.  
Go radir tak thy skroll and mend it  
Leist planenes mak sum folk offend it.  
'No forss' quod I 'the Lyoun pleisit,  
I cair not by quha be displesit.'

The poem sides keenly with the King and Queen as against the unpopular prime minister whose rule was soon to close. Among the tokens of learned authorship are its adroit use of various artifices of satire, showing a mastery of the contemporary armoury of wit, its scriptural allusions and its lavish use of classical names and illustrations. Notable is the mention of the Trojan prince who withstood the fates,

And tynt the steirsman in the flude.

This is plain citation of Virgil for the drowning of Palinurus.

Rob at least knew his classics. Pasquin's word notwithstanding, he has required some glossing to make his personal and poetic unity plain. Being only a Scottish poet, of course he had to undergo the ordeal first of a disputed existence, and secondly of the argument that he was somebody else. Possibly his tribulations are not yet over, but certainly the facts now first correlated, including very direct data both external and internal, proclaim that Rob Stene was the man who died, master of the grammar school of the Canongate, in January, 1618—'Mr Ro' Stevin m<sup>r</sup> of ye grammer scoill of ye Cannogait ye tyme of

his deceis quha decisit upoun ye day of Januar ye yeir of God Im vi c. and aughtene yeires.' His will, registered 3<sup>rd</sup> September following in the Edinburgh Commissariot, is transcribed below.

'At ye Cannogait ye fyftene day of Januar 1618 yeires I Mr Ro<sup>t</sup> Stevin m<sup>r</sup> of ye grammer scoill yair, being at ye pleissour of God seik and dyscussid in bodie yit haill in saull perfyte in sensis and memorie knawing na thing mair souir and certane yan death and na thing mair uncertane yan ye tyme maner and place quhair and quhen first recommendis my saull to ye mercifull delyverance of my heavenlie fayer in Jesus Chryst assuring my self of ye full remissioun of all my synnis in his death and meritorius sacrifice; Concerning my wordlie adois Nominatis and Constitutis my weilbelovit spous Marg<sup>t</sup> Scot my onlie executour testamentar and universal intromitter w<sup>t</sup> my haill guidin geir and debtis And levis my pairt y<sup>o</sup>f to be equallie dividit amongis ourre fyre bairnes viz

'Stevens our sones and dochteris And incaiss of any of yair deceiss befor y<sup>r</sup> perfyte yeires willis yat bairne deceissand ye portioun apertening to apertene to ye remanent survivand And ordanis hir to find sufficient caution to maik ye samyn forth cumand to yame at yair perfyte aige And farder nominatis my said spous tutor testamentar to my haill bairnes foirsaidis And incaiss of his deceiss or inhabilitie I nominat and constitut my loveing friendis or ony of yame yat will accept ye samyn upoun yame tutoris testamentaris to my saidis haill bairnes yei findand caution ut supra In Witnes quhairof I have subscrivit yis my latre will and testament day yeir and place foirsaidis Befoir yis witnessis Mr James Ahannay sone to umquhyle John Ahannay burges of ye Cannogait and Thomas Barbour wretter of ye body hereof.

'Sic subscribitur

Mr Ro<sup>t</sup> STEVIN

'w<sup>t</sup> my hand.

'Mr J. HANNAY witnes.

'THOMAS BARBOUR witnes.'

From the 'Testament Testamentar and Inventar' of the personal estate given up by his widow and registered with the Will in the Edinburgh Commissariot (to the Scottish Record Society's Index of which I gratefully acknowledge the reference enabling me to extract the documents from the Register), we learn that the deceased schoolmaster left personalty of the nett value of 'i<sup>ij</sup>. ii<sup>c</sup>. lxxxii lib. xiiis. iiid' (£1292 13s. 4d.). The first article in the enumeration of his effects was:

'Item, his librarie estimat to tuentie pundis.' Besides the personalty we are warranted in presuming that he owned heritage, because on 9 August 1621 Alexander Stevin was served heir of his father: 'Magistri Roberti Stevin burgensis Edinburgi' (*Inquisitiones Generales*, No. 8550).

Claims to literary renown are much more precariously preserved than rights of property. Had the old Commissariot

system required the Inventories of the estates of deceased litterateurs to return complete statements of their copyrights as part of their gear certain inheritances of fame might have been better assured. Nevertheless, even as it is, it may have been possible at last to find again a missing bard of the Canongate, and restore a vernacular poet of the court of James VI. A vernacular poet; for as a maker of Latin verse his name is already registered<sup>1</sup> among the authors of *The Muses' Welcome*, that collection of loyal outpourings in celebration of the visit of King James, 'refulgent with triple diadem,' to his ancient capital in 1617.

Et nos Edini gaudentes turba Camænis  
Te colimus studiis nostris Musisque patronum  
Et cum permultos feliciter egeris annos  
Dulcem sidereo tibi vitam optamus Olympo.

ROBERTUS STEPHANUS.

Evidently enough it was Rob Stene who, as a spokesman of scholastic Edinburgh, in these words closed his panegyric to the king as a patron of the Muses and of letters, academically wishing him length of days here and Olympus hereafter.

GEO. NEILSON.

<sup>1</sup> *The Muses' Welcome*, 1617 (Edinburgh, 1618), p. 68; see also Privy Council Register, xi. 44—references for which I thank my friend the Rev. John Anderson, Register House.

## The Altar of St. Fergus in Holy Trinity, St. Andrews

### *A Sixteenth Century MS. Rental and Inventory*

THE manuscript of which the following is a copy was bound up as the first of a collection of pamphlets in the Diocesan Library at Brechin, of which the press mark was T. viii. 18. It formed part of the library of the late Dr. A. P. Forbes, Bishop of Brechin, and was bound into the collection by him, as appears from the table of contents in his writing, where it is noted as 'I Rentale Altaris S. Fergusii S. Andrews.' For better preservation, however, the little MS. has just been removed from among the pamphlets, and carefully bound by itself in white vellum. It is now kept in a case among some of the most valuable books in the library.

The MS. is on paper, in a single gathering of ten leaves, with a very elaborate water-mark, which appears to represent two men fighting within a ring fence, with the words 'PRO PATRIA' above, and 'HONIG' below, in plain Roman capitals. The water-marking runs vertically, as in a 4to.

The hand is peculiar, and varies considerably, although the whole MS. was evidently written by the same person. It is very modern in character in many places, but all the old contractions are used. Certain portions appear to have been written in red ink, which has now faded—or at any rate in different ink from the rest. These passages are here represented by italics. In the following copy the strictest literal accuracy has been observed, but all contractions have been extended; an obelus has been used wherever it has been thought desirable to mark what appear to be mistakes in spelling in the original. Capital letters have been used for the initial letters of all proper names and small letters have been substituted for unnecessary capitals in the original.

## The Altar of St. Fergus in Holy Trinity 261

The manuscript begins by setting forth that the perpetual chaplain of the altar of St. Fergus is bound to celebrate and pray for the souls of William and Thomas Kairnis, the founders. The writer adds that Mr. William Cubbe was the first chaplain, and that he left after seven years because the stipend was insufficient. Then begins the rental proper, which enumerates in order all the monies due to the altarage from various pieces of land in St. Andrews; first from the tenement of Robert Lawson, on the north side of South Street, between the tenements of Crail College on the east and St. Fergus on the west, which latter was situated at the corner of 'the common venell vulgarly called the "Kyrk wynd,"' and for which the chaplain of St. Fergus' altar was bound to pay rents to the monastery of St. Andrews, to the chaplain of St. Matthew celebrating in St. Bartholomew's aisle in the Parish Church, to the chaplains of the Holy Blood and of St. Ninian in the Parish Church, and to the burgh. The rental proceeds to detail the monies received from other tenements on the east side of the Kirk Wynd; first from the land of All Saints, which joined that of St. Fergus on the north, then from the next piece of land, which belonged to the Lady of Carnbee, and from the next, which belonged to Bernard Carstaris. The account goes on to specify the rents derived from the succeeding pieces of property on the east side of Kirk Wynd, viz., that of Bernard Younge, which joined Bernard Carstaris' land on the north, that of Robert Smycht, which came next, that of John Malwyn, which came next, that of the heirs of the late William Stenson, which joined Malwyn's, and then that of Christina Geddes, which followed Stenson's. We then come to rent derived from the land and garden of St. Katharine, on the south side of North Street, between the lands of Alexander Myllar on the east and of the heirs of Thomas Murra on the west: then from the land of John Tylless, the younger, and Matthew Berry, formerly the property of Andrew Rychartson, on the east side of Fisher Street, between the land of our Lady of Pity on the south and John Crystyson, *alias* Myllar, on the north. The writer adds that all these rents are from ground annuals.

The manuscript then tells us how the first founder of St. Fergus' altar (*i.e.* William Karnis) gave to it a missal written on parchment, a breviary written on parchment and chained, a silver chalice weighing 14 oz., a stone image of St. Fergus, two brass candlesticks upon the altar, a brazen star to hold oil for a light, a 'desk' for keeping the vestments, a whole vestment for

a priest, of Crammacy (*ex cereco anglice Crammacy*), another of 'bord Alexander' inwoven with birds, a dalmatic of red 'bord Alexander,' a corporal, two linen cloths for the altar and two frontals, one of silk the other of 'bord Alexander.'

Then we are told that on May 2nd, 1409, Sir James Braid became the third chaplain of the altar, upon the resignation of Sir William Malwyne, the second chaplain, and the rest of the MS. really consists of a long account of Sir James Braid's gifts to the altar. He seems to have been wealthy and generous—a great contrast to the Sir John Mumblemattins or the Sir John Lacklatin, whom one is wont to take as the representative of the late medieval chantry priest.

Sir James Braid, we are told, stirred by the effect of holy devotion, improved the altar and its service in honour of Almighty God, the Blessed Virgin Mary, and SS. Fergus and Triduana, with gifts of land, annual rents, and ornaments.

First he gave to the altar a piece of land on the north side of South Street, between the lands of St. Columba's altar on the east, George Turbane on the west, Laurence Donaldson on the north, and the King's highway on the south, from which also the chaplains of our Lady's altar derived benefit as well as the chaplain of another altar of St. Mary, and the chaplain of the altar of the Holy Blood in the Parish Church. He also gave certain furniture to the aforesaid land, *i.e.* of course, to the house on it. He endowed the altar of St. Fergus with rent from a piece of land on the north side of the street, commonly called Argail, bounded on the east by the property of James Fettes, on the west by that of the heirs of the late William Dewar, and on the north by that of St. Leonard's College; and also with rent from the land of Janet Stenson on the north side of Market Street adjoining the land of John Ferry, junr., on the west and that of the heirs of the late John Thekar on the east.

The land of such and such a saint which we find mentioned seems to be the land upon which stood the house inhabited by the chaplain of the altar of that saint.

The writer next describes what Sir James Braid did with regard to the altar and its ornaments. He destroyed the 'desk,' and remade and improved it with a seat. He made a press or cupboard (*armoriolum*) to keep vestments in, 'hanging on the west gable of the said church,' as well as a small one near the altar and a little desk (*scabellum*) before the altar. He afterwards pulled down the altar and rebuilt it, enclosing locked receptacles within it

for keeping the chalice and relics. And on the altar he inserted a marble stone, consecrated and blessed. He also made a painted 'tabernacle' (*i.e.* a reredos) for the altar, and remade the old chalice, which was now of silver gilt and weighed more than 27½ oz. After considerable exertion, he obtained from King James IV. a bone of St. Triduana; part of the neck bone, and a joint of St. Fergus from Glamis; and a part of the (?) jaw (*ginginariii*) of St. Bonoc from Sir David Rynd, the curate of Leuchars. To preserve these relics, he made a silver shrine weighing more than 15 oz. He also gave to the altar two hair cloths, four linen cloths, and three tin cruets. He bound and covered the missal, and wrote in it sequences and the canon of the mass. He also gave a chained book written with his own hand, containing the services and lessons of the saints; a small missal written by himself on Lombardy paper; a whole vestment for a priest, of blue 'bord Alexander'; three corporals, and two cases to keep them in; and three painted frontals before the altar. He constructed a wooden screen round the altar, and he made an iron 'herss' [to hang] over the altar, on which he placed seven brass candlesticks. He brought an image of St. Triduana from Flanders, and an image of St. Brendan, the abbot, and he gave a painted linen cloth to cover the images in Lent. He also gave a pix to keep the bread in, a small tin 'flakat,' a glass 'flakat' and a vessel (*canna*) for the wine. He provided a bell to hang before the altar, and he gave four hand towels, a wooden desk or 'lettron' for the missal, another for the breviary, a 'roid' with a horn (*i.e.* an extinguisher) for lighting and putting out candles, an iron candlestick for three candles for the winter, and a painted 'offerand bred.'

The manuscript goes on to describe how Sir James Braid added *unum le galre pro latrinis* on the north side of the tenement of St. Fergus near the church, and how he made certain arrangements for the cleansing of these places. Minute directions follow as to how this ought to be done.

Braid also made large additions to the property of St. Fergus' altar in Argyll. There he built six fireplaces, a large room, a small room, and a bath. He built a dovecot, made a well, planted trees in the garden, and made trenches round it. He also made very advanced sanitary arrangements, for the management of which directions follow.

The writer concludes by adding a note to the effect that the chaplain of the altar is bound to pay a certain sum yearly to the

choristers of the church for the obit of his founder, William Karnys, to carry a candle then, and to pay the bellringer.

F. C. EELES.

# INVENTORY.

<sup>1</sup>Rentale Altaris Sancti Fergusii infra Ecclesiam parochialem. Andree. 1525.<sup>1</sup>

[fo. 1  
Sancti

[fo. 1v.

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[fo. 1

*Rentale altaris Sancti Fergusii situati infra ecclesiam parochialem Sancti andree anno domini Millesimo quingentesimo xx quinto.*

Memorandum est quod capellanus perpetuus dicti altaris Sancti Fergusii stricte tenetur celebrare et orare pro animabus magistrorum Wilelmi Kairnis et Thome Karnis fundatorum eiusdem.

Notandum est quod magister Willelmus Cubbe fuit primus capellanus dicti altaris ad spacium septem annorum et reliquit seruitium dicti altaris quia inde non potuit commodè sustentari.

*Rentale altaris Sancti Fergusii episcopi.*

In primis de integro tenemento Roberti Lauson pistoris jacente infra civitatem Sancti Andree in vico australi et ex parte boreali vici eiusdem. Inter tenementum collegii de Crayll ex parte orientali et tenementum Sancti Fergusii episcopi ex parte occidentali quadraginta solidi annui red tus† annuatim sint† percipiendi.

Item tenementum Sancti Fergusii jacens in vico australi dicte ciuitatis inter tenementum dicti Roberti Lauson ex parte orientali et communem venellam vulgariter nuncupatam le Kyrk Wynd ex parte occidentali.

Notandum est quod capellanus dicti altaris annuatim tenetur soluere subscriptos annuos redditus annualariis de/dicto tenemento videlicet [fo. 2v. monasterio Sancti Andree sex solidos et decem denarios. Item capellano Sancti Matthee celebranti in insula sancti Bertholomei in ecclesia per- rochiali† sex solidos et decem denarios. Item capellano altaris Sancti Sanguinis octo solidos et decem denarios. Item capellano altaris Sancti Niniani in dicta ecclesia duos solidos annui redditus. Et pro firma burgi quatuor denarios.

Item de terra Omnium Sanctorum in dicta venella et ex parte orientali eiusdem inter tenementum Sancti Fergusii ex parte australi et terram domine de Carnbe ex parte boreali duo solidi annui redditus sunt percipiendi.

Item de terra domine de Carnbe jacente in dicta venella vulgariter nuncupata le Kyrk Wynd et ex parte orientali eiusdem inter terram Omnium Sanctorum ex parte australi et terram Bernardi Carstaris ex parte boreali viginti solidi annui redditus percipiendi sunt.

Et nota quod de ista dicta terra sunt decem solidi in fundatione. Et

<sup>1-1</sup> In a late hand, perhaps of the 18th cent.

pro clausura tenementi Sancti Fergusii quod Johannes Craufurd dedit  
 annuos decem solidos annui redditus annuatim.

Item de terra domini Bernardi Zovnge jacente in dicta venella [fo. 3]  
 inter terram Bernardi Carstaris ex parte australi et terram Roberti  
 Smycht marcatoris ex parte boreali octo solidi annui redditus annuatim  
 sunt percipiendi.

Item de terra Roberti Smyt jacente in prefata venella inter terram  
 domini Bernardi Zovnge ex parte australi et terram Johannis Malwyn  
 ex parte boreali nouem solidi annui redditus annuatim sunt percipiendi.

Item de terra Johannis Malwyn jacente in sepefata venella inter terram  
 Roberti Smyt ex parte australi et terram heredum quondam Wilelmi Stenson  
 ex parte boreali nouem solidi annui redditus annuatim sunt percipiendi.

Item de terra heredum quondam Wilelmi Stenson jacente in dicta venella  
 inter terram Johannis Malwyn ex parte australi et terram Cristine Gedde†  
 ex parte boreali octo solidi annui redditus annuatim sunt percipiendi.

Item de terra et orto Beate Katrine virginis *iacentibus* infra ciuitatem  
 predictam in vico boreali et ex parte australi vici eiusdem inter terram  
 Alex-andri Lyall ex parte orientali et terram heredum [fo. 3 v.  
 Thome Murra ex parte occidentali quinque solidi annuatim sunt  
 percipiendi.

Item de toto et integro tenemento olim Andree Rychartson jacente in  
 vico piscatorum et ex parte orientali vici eiusdem inter terram nostre  
 domine pietatis ex parte australi et terram Johannis Crystyson alias Myllar  
 ex parte boreali sex solidi annui redditus annuatim sunt percipiendi.

Et nota quod terra anterior dicti tenementi nunc est Johannis Tyllefer  
 minoris et terra interior est nunc Mathee Berry.

Et nota quod omnes isti annui redditus prescripti sunt et fuerunt de le  
 ground annuallis.

Item primus fundator dicti altaris Sancti Fergusii libere donauit dicto  
 altari et capellano seruienti in dicto altari vnum missale in pergamino  
 scriptum. Unum magnum breuiarium in pergamino scriptum et ibidem  
 cathenatum. Item unum calicem argenteum ponderantem quatuordecim  
 uncias. Item unam ymaginem sancti Fergusii sculptam in lapide.

Item duo candelabra erea super altare. Item unam stellam [fo. 4]  
 cream ad oleum imponendum pro lumine. Item unum le desk pro con-  
 seruatione vestimentorum.

Item unum integrum vestimentum sacerdotale ex cereco anglice  
 Crammacy.

Item vnum integrum vestimentum sacerdotale ex le bord alexander  
 textum cum pullis. Item vnam dalmaticam de le bord alexander rubei  
 coloris. Item vnum corporale. Item duo pallia linea pro ornamento  
 altaris. Item vnum frontale ex cereco Et vnum frontale de le bord  
 alexander.

Die secunda mensis maii Anno domini Millesimo quadringentesimo nono  
 discretus vir dominus Jacobus Braid capellanus tertius acquisiuit dictum  
 altare et seruitium ejusdem per resignationem dicti domini Willelmi Malwyne  
 capellani secundi. Et pie deuotionis effectum motus meliorauit dictum altare et  
 seruitium ejusdem in honore dei omnipotentis beate Marie virginis et

*beatorum Fergusii episcopi et Triduane virginis in subscriptis terris annu-  
reditibus proficiis et ornamentis ut sequitur.*

In primis prescriptus dominus Jacobus Braid libere dedit dicto altari  
vnum terram an-/teriolem jacentem infra dictam ciuitatem [fo. 4 v.  
in vico australi et ex parte boreali vici ejusdem inter tenementum Beati  
Columbe abbatis ex parte orientali et terram Georgii Turbane ex parte  
occidentali et terram Laurencii Donaldson ex parte boreali et viam  
regiam ex parte australi Reddendo inde annuatim magistro Roberto  
Lawson et suis successoribus capellanis altaris nostre Domine viginti solidos  
annui redditus. Item capellano seruienti ad altare beate Marie virginis  
infra ecclesiam parochialem Sancti Andree triginta denarios annui redditus.  
Item capellano seruienti ad altare Sancti Sanguinis in dicta ecclesia duo  
solidos annui redditus. Et pro firma burgi duos denarios. Necnon libere  
dedit subscripta existentia in dicta terra anteriori videlicet vnum magnu  
lectum ligneum cum paruo lecto eidem annexo siue conjuncto . unam magnam  
pressuram majori lecto annexam . unum sedile . vnum le Weschell huius  
annexum sub le trap . cum predicta terra anteriore pro perpetuo remansuris.  
Item vnum annuum redditum viginti quatuor solidorum de tenemento  
jacente infra dictam ciuitatem in vico vulgariter nuncupato le [fo. 5  
Argaill et ex parte boreali vici ejusdem inter terram Jacobi Fettes ex  
parte orientali et terram heredum quondam Willelmi Dewar ex parte  
occidentali viam regiam ex parte australi et terras collegii Sancti  
Leonardi abbatis ex parte boreali.

Item duodecim denarios annui redditus de integro tenemento Jonet  
Stenson jacente infra ciuitatem predictam in vico fori et ex parte boreali  
vici ejusdem inter terram heredum quondam Johannis Thekar ex parte  
orientali et terram Johannis Ferry junioris ex parte occidentali.

Item prefatus dominus Jacobus Brayd distruxit dictum le desk. Et  
iterum de nouo reedificauit et meliorauit idem cum vno sedili vt patet.

*Etiā edificauit vnum armoriolum pendentem super gabello occidentali  
dicte ecclesie pro vestimentis conseruandis.*

Item vnum peruum† armoriolum prope altare/ [fo. 5 v.

Et vnum scabellum ante altare Postea distruxit dictum altare et de  
nouo reedificauit eum cistis et ceris pro conseruatione calicis et reliquiarum†  
Et in dicto altari infixit lapidem de la merbyll consecratum et sanctificatum.

Preterea dictus dominus Jacobus Braid fecit dicto altari vnum tabe-  
naculum pictum vt patet.

Item distruxit calicem argenteum quatuordecim vnciarum Et reedi-  
ficauit calicem argenteum deauratum ponderantem viginti septem vncias cum  
dimidio vncie et amplius.

Insuper prefatus dominus Jacobus laborauit ad manus domini nostri  
regis Jacobi quarti pro vno osse beate Triduane virginis quam dicto  
altari dedit. Similiter laborauit ad manus Dauid Lyon tutoris domini de  
Glammys pro parte ossis colli et vna iunctura sancti Fergusii episcopi.

Demum adquisiuit a domino Dauid Rynd curato ecclesie parochialis de  
Luchqueris vnam partem ginginarii sancti Bonoci episcopi.

Et pro conseruatione dictarum reliquiarum edificauit et construxit  
vnum/feretrum argenteum ponderantem quindecim vncias et [fo. 6

amplius. Item dedit dicto altari duas vestes crinium *Item quatuor pallia linea pro ornamento altaris. Item folas stanneas. Item ligavit et cooperuit dictum missale et inscripsit in eodem sequencias et canonem missarum.*

*Preterea prefatus dominus Jacobus Braid libere dedit dicto altari vnum librum manu sua propria scriptum continens in se seruicia et legendas sanctorum bene catenatum. Item unum peruum† missale manu sua propria scriptum in papiro Lumberdie. Item unum integrum vestimentum sacerdotale blauie coloris de le bord alexander. Item dedit tria corporalia cum duabus cistis pro conseruatione eorundem. Item tria pendicula ante altare picta. Item construxit vnum le barras ex lignis circa altare. Item sepefatus dominus Jacobus Braid fabricauit vnum le herse ex ferro super altare et desuper imposuit septem candelabra erea. Item ipse portauit de Flandria ymaginem beate/Triduane virginis Et [fo. 6 v. ymaginem sancti Brandani abbatis Etiam dedit dicto altari vnum pannum lineam pictam ad cooperandum ymagines tempore quadragesime. Item dedit dicto altari vnam pixidem pro ostiis conseruandis. Item vnum peruum† le flakat stanneum. Item vnum le flakat vitreum. Et vnam cannam pro vino. Item fabricauit vnam campanam pendentem ante altare. Item quatuor manutergia pro altare. Item vnum lectionarium ligneum anglice a lettron pro missali et aliud lectionarium pro breuiario. Item vnum le roid pro candelis accendendis et extinguendis cum cornu. Item vnum candelabrum ferreum pro tribus candelis tempore brumali. Item vnum le offerand bred collaratum.*

*Memorandum est quod dictus Jacobus Braid construxit ex parte boreali dicti tenementi<sup>1</sup> Sancti Fergucii prope ecclesiam vnum le galre pro latrinis. Et in muro boreali/eiusdem edificauit duo decensus ad latrinas siue [fo. 7 clecas. Notandum est quod cum opus sit purgare dictas latrinas siue clecas debent purgari in botha siue opella interiore orientali dicti tenementi Et in eadem in pariete boreali† inuenietis vnum magnum antiquum ostium quod nunc est clausum lapidibus et distruatis lapides in summitate de dicto utio antiquo ad mensuram quatuor pedum et videbitis coopertorium dictarum latrinarum de tabulis siue lignis et idem remoueat et inuenietis stercus. Purgate et reedificate dictum ostium propter fetorem dictarum latrinarum.*

*Notandum est quod sepefatus dominus Jacobus Braid construxit tria solia in tenemento Sancti Fergucii jacente in Argaill Et in eodem tenemento construxit sex caminas Similiter in eodem tenemento construxit vnam aulam cum camera et solio vocat† Dunseis Haw Item construxit vnum columbare. et foueas circa ortum Necnon unum [fo. 7 v. puteum. Et plantauit arbores in dicto orto cum cerlis† aliis necessariis. Item in camera dicti quondam domini Jacobi Braid est latrina que descendit ad clausuram vbi duo magni lapides anglice flaggis jacent: et accipietis lapidem occidentalem et inuenietis quod queritis.*

*Et nota quod capellanus dicti altaris annuatim soluere octodecim denarios choristis dicte ecclesie pro obitu magistri Willelmi Karnys et portet vnam candelam et soluet campanario vnum denarium.*

/ [ffo. 8, 9, 10.

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## The Scots at Leffingen, 1600

MR. MOTLEY'S account of the operations which preceded the battle of Nieuport, 22 June/1 July, 1600, is not pleasant reading for Scotsmen, and it is satisfactory to think that we can now show that the distinguished historian's reliance on his Dutch authorities has grievously misled him. Very briefly the preliminary facts are, that no sooner had Maurice of Nassau begun the siege of Nieuport than the news reached him that the Archduke with the Spanish army had taken Oudenborg, some ten or twelve miles off, and was approaching. He immediately broke up the siege and sent his cousin, Prince Ernest, with five or six thousand men, of whom about 1600 were Scots and English, to hold the bridge of Leffingen, nearly half-way between Oudenborg and Nieuport, and delay the Archduke's advance. Ernest arrived too late to secure the bridge, but drew up his force on the hither side of it. The Archduke, says Mr. Motley (*History of the United Netherlands*, iv. 19, 1867) 'paused . . . the doubt was but of short duration however, and the onset was made.'—All this is undisputed and probably indisputable.

But now the attack, continues the historian, 'began upon Ernest's left, and Risoir's cavalry . . . turned their backs in the most disgraceful manner without even waiting for the assault . . . they infected the Zeelanders with their own cowardice. Scarcely a moment passed before Van der Noet's whole regiment was running away as fast as the troopers, while the Scots on the right hesitated not for an instant to follow their example . . . Scots, Zeelanders . . . possessed by the demon of cowardice were running like a herd of swine . . . the Scots in an ecstasy of fear, throwing away their arms as they fled, ran through the waters . . . every man of them was slain or drowned' (p. 20). Verily these be bitter words. But as if they were not enough we have a note (p. 22): 'There can be no doubt whatever as to the rout of Leffingen.' The phrase is curious. It looks as if there had been some doubt; but Mr. Motley goes on: 'There

was no fight at all. The journal of Antony Duyck and the accounts of Meteren, Bor, and other chroniclers entirely agree with the most boastful narratives of the Spaniards. Everard van Reyd, to be sure, strongly maintains that the troops of Ernest fought to the uttermost . . . and that hardly a whole spear was found in the hands of any of the dead on the field. Nor a broken one either he might have added. . . . But Reyd was not on the field, and there is not a word in Ernest's private letters to conflict with the minute and unvarnished statements of Duyck.'

Unhappily I am unable to check Mr. Motley's Dutch authorities. Dutch books are not common in this country and my efforts to get hold of Duyck's *Journal* have been unavailing. But there can be no doubt that Mr. Motley quotes his authorities Dutch and Spanish with perfect fairness; only one cannot help regretting that except Dutchmen and Spaniards, he had no one to guide him. The labours of the Historical MSS. Commission, to which I shall come presently, had not begun when he wrote, and the chief conflict of evidence was between the two Dutchmen, Duyck and Van Reyd. The only additional authority I can supply from Holland is the *Polemographia Nassovica* of Baudortius (as he Latinizes his name) of which the 2nd part, the only one in my possession, was published at Amsterdam in 1621. This work, Sir. W. Stirling-Maxwell says (*Don John of Austria*, vol. ii. p. 500) 'is chiefly valuable on account of its numerous historical prints'—and very curious and interesting they are—but his narrative too is not without value to us. Of the disputed Leffingen affair he says: 'Post diuturnam tandem strenuamque dimicationem in fugam se conjicere coactus Ernestus, prosequuntur summa acceleratione hostes, dissipatumque Ernesti exercitum, profligant, cædunt, obtruncant, octingentis æstuanti animo cæsis Schotis, ac septem Schotorum capitanei nempe Stuart, Barclaus, Kilpatric, Andreas Morray, Michael, Nisbet & Strachern, exceptis subregentibus ac officiarijs. Ceciderunt quinque capitanei ipso praelio, trucidati Barclay & Morray postquam ipsis injecta vincla.' This last sentence is new. I do not know if it is confirmed by other writers.

To the curious picture of the battle of Nieuport, when the Spaniards were routed the day after Leffingen, are subjoined the lines:

'Ire hostem ad bellum juvat, indulgere furori  
 Insano suadet victoria prima, cadebant  
 Dux, milesq. SCOTUS, pariter manifesta.q. IBERI  
 Perfidia separet quem mox vindicta sequetur.'

Thus far Baudortius, who must be taken for what he is worth.

Before turning to the English evidence, however, observe how inconsistent and impossible Mr. Motley's own account of things is. 'There was no fight at all' at Leffingen he says most positively, and all Ernest's troops took to their heels at once, the Scots in particular, without a moment's hesitation and in an ecstasy of fear, etc. Yet, strange to say, we read (p. 26) 'Had the Archduke not been detained near the bridge of Leffingen by Ernest's Scotsmen and Zeelanders during three or four precious hours that morning . . . it would have fared ill for the Stadtholder and the republic.' Mr. Motley can't have it both ways. Either there was panic flight without a moment's delay or else there *was* a fight, and a very stiff one—'not a whole spear left in the hands of any of the dead.' Note by the way the word 'whole' here. What Van Reydt, from whom Mr. Motley quotes it, means is evidently that the fighting was so severe that nearly all the pikes were broken. It seems therefore a superfluity of naughtiness which prompted Mr. Motley to add 'nor a broken one either.' But the addition is necessary to cover the statement that the Scots in their terror flung away their arms as they fled.

Again, although there was no fight at Leffingen, we read (p. 55) of 'the heroic self-sacrifice of Ernest and his division by which alone the rest of the army were enabled to gain the victory.' It seems a curious description of the conduct of men who, we have been told in the most explicit terms, bolted and threw away their weapons at the first onset of their foes. Leffingen, Mr. Motley says (p. 21), might have been another Thermopylae if Zeelanders and Scots (Scots especially!) had only shown heroic self-sacrifice—which it seems after all they did show! I do not pretend to understand these contradictions nor to harmonize statements which seem self-destructive. I think I have succeeded in showing that even as it stands Mr. Motley's narrative will not hold water. Happily we now possess evidence, unknown to him, which puts a different complexion on the whole business, and has never seen the light until published this year in the *Calendar of MSS. at Hatfield*, Part x. In the phrase which Mr. Motley himself applies to the documents hidden for two centuries and a half in the archives of Orange Nassau, we may say that these letters are 'an all unconscious controversy' on the part of those maligned Scotsmen.

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There are three contemporary letters preserved at Hatfield. The first, undated and unsigned, says: 'The battle between the Archduke and Prince Maurice was fought on Sunday last the 22nd June [O.S.]. . . . All the Scots that were there, viz. one regiment slain.' (*Calendar of MSS.*, p. 193). The writer was evidently not present, and was only repeating the stories he heard, for he mixes up the combat at Leffingen when the Scots were destroyed with the subsequent battle of Nieuport. Our next letter is from Lord Grey<sup>1</sup> to Cecil, dated Ostend, 25th June [O.S.]. 'The 21 his Excellency sat down before Nieuport leaving Count Ernestus with some 3000 foot and 6 cornets of horse on the side next Ostend, divided from the rest of his army by the haven. About 1 of the clock that night came news that the enemy had taken Odenburgh by composition. . . . His Excellency presently dispatched Ernestus to break a bridge in the midway, and to dispute that passage, until he with the army came to his second. But Ernestus encountered by the enemy on the way was presently routed, and ran away himself with his "dach" [a word the editor does not explain], only the Scottish regiment stood fast and died bravely, scarce any officer save the colonel and two captains and very few soldiers escaping.' (*Calendar of Hatfield MSS.*, Part x. p. 197).

Here the war is carried into the enemy's camp with a vengeance! Mr. Motley praises Ernest's 'heroic self-sacrifice'—Lord Grey says bluntly that he 'ran away' with his 'dach'—whatever that may be. Who is to be believed? Assuredly Ernest must have run, for he 'lived to fight another day,' and fight well too, otherwise he must have shared the fate of the Scotsmen whose bodies lay on the sands 'hard by Ostend.' But we know nothing of his personal experiences that fatal day, any more than we do of Mr. Motley's trusted witness, Duyck. Mr. M. rejects Van Reyd's evidence because he was not present, as Duyck, I presume, was. But then the question arises, Where? If he was with Ernest he was one of the cowardly fugitives. If he was with Maurice and the main body, he wrote from hearsay the wild tales told him by panic-stricken men fleeing, by his own account, for their lives. In either case his evidence does not seem to be worth much, and I prefer Lord Grey's. It is curious, however, that Mr. Motley,

<sup>1</sup>Thomas, Lord Grey de Wilton. I gather from the account of him in the *Dict. Nat. Biog.* that this letter has already been published by the Camden Society, but I have no means of ascertaining.

who seems specially bitter against the Scotsmen, must have had under his hands some detailed account of their conduct, for he gives the names of the captains who, he says, were killed striving to rally their men, and perhaps Duyck is his authority here as elsewhere. I cannot tell. Probably there was a Dutch Leyds among the Dutch then as in a later age, and the father of lies was not without a representative. Moreover, men at all times have been jealous of the auxiliaries who came to help them, and in this case it seems likely enough that the disgraced Dutchmen were quite ready to make out that the Scots were no better than themselves. But it is very significant that while all authorities agree that the Scots contingent was practically wiped out, no such wholesale slaughter seems to have befallen any of the rest of Ernest's forces. They were routed certainly, and many were slain; but only the Scots were killed almost to the last man. This requires explanation, but Mr. Motley not only does not give it, but does not seem to see that any explanation is wanted.

In regard to Lord Grey's letter, we must remember that in the last years of Elizabeth's reign there was much jealousy and dislike of Scotsmen in England; and certainly no Englishman would have gone out of his way to praise any feat of arms performed by Scotsmen unless as a brave and honourable man he was constrained to record the steadfast courage they had displayed before his own eyes.

Passing over a letter from one Robert King to an unnamed Lord, dated from Middlebrough the 7th July, as merely a report of the news that had reached him (*Calendar*, p. 205), we have next a dispatch from Captain Edward Cecil to his uncle, Sir Robert, with a full account of the battle 'fought betwixt Nuporte and Ostend' a few days before, from which I extract a passage bearing on our present subject: 'We understood he was not five hours march from us: wherefore our whole army marched with all endeavour to meet him, his Excellency sending the regiment of Germans which Count Ernestus commanded, and the regiment of the Scots, to hinder the passage which were put all to the sword hard by Ostend, where the bodies lie there yet to witness it; which made the enemy march on with such a fury as was never seen' (*Calendar*, p. 211). The writer, afterwards Sir Edward and Viscount Wimbledon, was at this time commanding a troop of cavalry under Francis Vere.

The phrase 'hard by Ostend' must not be taken literally. It is not far wrong. Leffingen is about half-way between Nieupoort and Ostend, but Cecil evidently used it to give a rough notion of the locality to a man not personally acquainted with it.

Since this paper was prepared, the editor of the *Review* has very kindly lent me the Latin translation of Van Reyd's work *Belgarum Aliarumque Gentium Annales*; Auctore Everardo Reidano; Dionysio Vossio Interpreti, Lugdunum Batavorum, 1633. Van Reyd, as Mr. Motley justly says, is most emphatic in his account of the stout resistance offered by Ernest's force and his words are worth quoting: 'Omnes pulchrâ morte, adversisque vulneribus, quem vivi ceperant locum, cadaveribus suis texerunt: *jacebant juxta confractæ hastæ*. Equites evaserunt: ceteri ad unum omnes ab Hispani trucidati' (p. 157). Unless the words I have put in italics very grossly mistranslate the original Dutch, Mr. Motley's sentence before quoted, 'nor a broken one either he might have added,' becomes quite inexplicable.

The Editor has also been so good as to lend me the *Historia Rerum Britannicarum, etc.*, of Robert Johnston, published at Amsterdam in 1655, but he does not seem to me to add much to the earlier narratives which probably he only copies, and as a kindly Scot (see his life in the *Dict. Nat. Biog.*) he may be thought a too partial witness.

In all these stories, whether in the libels of the defamers of the Scots, like Duyck, or in the positive statements of the others I have quoted, one cannot but be struck with the fact that in the disastrous day of Leffingen it is the conduct and the fate of the Scots which take the foremost place in the narrative. According to Duyck, Risoir's cavalry and Van der Noet's infantry behaved badly, but the poltroonery of the Scots in all its enormity is minutely detailed with a sort of malignant chuckle which we seem to trace even in Mr. Motley's history. On the other hand, Grey, Cecil, Van Reyd, and the rest seem to single out the entire destruction of the Scots contingent after a desperate resistance as the chief feature of the day. The shameful libel may be explained by Dutch jealousy and the inventions of their 'Dr. Leyds,' but how are we to account for the consensus of praise unless the truth lay there clear to every honest mind?

Here then I may quit the subject. I venture to think that

I have succeeded in relieving our dead countrymen from the aspersions cast upon them. Unhappily 'the evil that men do lives after them,' and the most honest and industrious of historians may be beguiled or misled into doing grievous injustice. Still more unhappily the writer, to whose uprightness and love of truth we might have appealed—assuredly not in vain—is no longer with us. His works have become 'classics,' and we cannot hope now to get even a small note of correction or warning inserted in any new edition of the *History of the United Netherlands*. Well—it matters nothing to the men who lay dead in the sands hard by Ostend, but we their countrymen may rejoice that, in spite of centuries of undeserved obloquy, truth has at last prevailed, and we know that they were worthy sons of the land that gave them birth.

H. W. LUMSDEN.

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## On Certain Points in Scottish Ethnology

THE problem of the ethnology of Scotland has been attacked from the anthropological and linguistic sides, but the correlation of the archaeological and anthropographical evidence has not been adequately worked out. Some new material towards this has been forthcoming in certain recent researches, and this article is an attempt in the direction of a more complete statement of the prehistoric factors.

It is admitted on all hands that the primitive substratum of the population was of southern origin. In physical characters this early race was short in stature, and the cranial proportions were eminently dolichocephalic. In complexion they are generally reputed to have been swarthy. Superimposed on this Iberian race came a second, hailing from the East, which I will call Eur-asian after Sergi. They were, it is believed, a taller race, and the head form was different from that of their predecessors, being in shape and proportions markedly brachycephalic. Their complexion is matter for dispute. They arrived, it is conjectured, in two waves representing two different branches of Celtic speech; there was a certain mingling of the races, but in large measure the earlier comers were displaced westwards by the later arrivals, and these were in their turn displaced by the Teuton invaders of protohistoric times.

It is generally admitted that the chambered cairns are the sepulchral monuments of the earlier race, but it is clear that they can only represent the later phases of the culture which preceded the knowledge of metals. Of the earliest inhabitants of Scotland we know nothing, save the bare fact of their existence, at a period which must have been long prior to the chambered cairn culture. As elsewhere, the shell folk of the older neolithic age have left no permanent graves.

The builders of the chambered cairns, I think most will agree, were later incomers bringing a special cult, and the distribution of their monuments in Scotland is suggestive of the route they followed to reach our shores. In the south-west they occur in

Wigtown and Kirkcudbright, in Bute and Argyle. They extend up the west coast over the outlying islands, though little is known about them in this region. They are numerous in the Orkneys and in Caithness, and a group with special character occurs on the borders of Inverness and Nairn. In a field where so much yet remains to be done all deductions are necessarily provisional, but this distribution is consistent with the theory that, whatever may have been the distribution of the earliest unknown neolithic inhabitants, the Iberians of the chambered cairns reached Scotland by way of the Irish Channel, that they spread upwards along the coast and over the islands to the Pentland firth and the Orkneys, while another stream followed the Great Glen along the line of lakes through Inverness to the Moray firth.

Whatever view be taken of the northern group, the south-western chambered cairns represent a terminal phase of the specific Iberian culture, and whether they be regarded as a local manifestation of a late wave of immigration, which spread up on both sides of the Irish sea, or merely as the eastern limit of the contemporary culture in Ireland, they indicate not so much a stage in a western displacement, as a movement from west to east.

The islands and peninsulas which, west of the Clyde, look towards Ireland, have indeed from the earliest times been the meeting-place of influences setting from east and west. The early chapels speak of a later conjunction, and the early kingdom of Dalriada has its prehistoric prototype.

At an epoch when, as will appear later, the east of Scotland was occupied by the Eur-asian people, the whole of this region was inhabited by an Iberian tribe whose customs and culture have certain characteristic features. As my argument chiefly hangs on observations in this district, I shall briefly recapitulate the main results of my enquiries.<sup>1</sup>

The sepulchral monuments are found in all stages of demolition, but by piecing together the facts, I have been able to prove that all were at one time chambered cairns of a special type (Fig. 1.).

Like all monuments of this class, they involve the practice of a specific burial custom. They are vaults for the reception of successive interments. In Scotland inhumation and cremation in some form were both practised by the chamber builders.

<sup>1</sup> *Proc. Soc. Antiquar. Scot.*, vols. xxxvi., xxxvii., xxxviii.

Access to the vault was provided by a passage or a simple portal. In one Argyleshire example near Oban, and in all the known cairns of the northern group, there is a long and low passage of entrance, but in all those south of Loch Awe, there is only a portal bounded by two upright stones.

The chambers are placed at one end of long rectangular cairns, which had probably in all cases a definite ground plan. The passage or portal opens on a bay marked off by upright flags, and let into the chamber extremity of the cairn. The vaults themselves are never complicated structures with subordinate lateral compartments such as seen in the northern group, but consist of a simple central series of intercommunicating compartments,



FIG. 1.—Sectional Plan of Chamber, Carn Ban, Kilmory Water, Arran.

most frequently three in number. In all the chambers provided with a mere portal of entrance the septa are formed of slabs set right across the floor, so that when denuded, the structure looks like a series of cists placed end to end. Further, in this variety the lower section of the lateral walls is formed of flags or blocks set on end or edge, and of unequal height; on the upper edge of this basal megalithic section smaller flags are piled horizontally to provide a level surface for large roofing flags, sometimes of great weight, which overlap from the portal inwards. When cairn, roofing flags, and upper built section have been removed the megalithic portion stands denuded, and constitutes the type of structure known in Ireland as a 'Giant's Grave,' of which an excellent example is to be seen on the hill overlooking Whiting Bay (Arran) on the south (Fig. 11.).

The typical chambers have three or four sub-divisions, but

examples occur with only two compartments, while there are others in which the structure is reduced to a single cist, or, if it were, a single section, of the larger vaults.

The vessels of pottery found in these chambers are small round-bottomed bowls, of which there are two types. The first and simpler type is a rude bowl, with or without a thick flange rim; while the second has a receding upper portion or brim, which in the finest examples approaches the horizontal, and is finished by a thin vertical rim bounding the mouth. The decoration, when there is any, is simple, consisting of shallow fluted markings, or straight lines incised or impressed, and varied with dots. Any grouping of the lines is invariably rectilinear, but in one curious specimen the marking took the form of concentric semi-ellipses on the receding upper portion of the bowl. Occasionally there are small shelf-like handles, but they are never pierced for suspension.

Some of the vessels (Fig. III.) are exact counterparts of specimens from the Dolmens of Western France, but the more decorated bowls (Fig. IV.) resemble more closely some neolithic pottery of the Pyrenees.

This ceramic is probably late, but so far as can be yet gathered from the grave goods, the makers of it did not possess implements of bronze. It can be called Iberian in the same sense as the skulls associated with it are so called.

The skulls (Fig. V.) are typically Mediterranean, eminently dolichocephalic, having all the characters of the Long Barrow crania, and the examples collected include several of the sub-varieties described by Sergi as occurring among his so-called 'Eur-african' stock.

The Eur-asian type of burial customs and culture is specifically different from that of the Iberians. In South Britain much stress has been laid on the shape of their barrows, but in North Britain their remains are always found associated with stone cists, placed either in cairns, or within the area of circles of standing stones, or under the surface without any over-ground structure to mark the site. We cannot therefore speak of 'round barrows' in Scotland. These stone cists are closed receptacles for the remains of single individuals, not designed to be reopened for any subsequent interment. As in the Iberian sepulchres, both inhumation and cremation were practised, and there seems no key to the chronology of the two practices.

The grave goods show that they were acquainted with metals



FIG. 2.—'Giants' Graves,' Whiting Bay, Arran, from the South.



FIG. 3.—Vessel of Pottery from Beacharr Chamber, Kintyre.



FIG. 4.—Vessel of Pottery from Clachaig Chamber, Arran.

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soon after, if not actually at the time of their arrival. The character of the implements is, however, of no value for the present purpose, the argument lies with the pottery. This belongs to the two well-known classes—the *food vessel*, apparently native, and the *beaker* (Fig. vi.), which has a Continental distribution. The latter has been traced by the Hon. John Abercromby,<sup>1</sup> in a recent paper, to Central Europe, whence it seems to have spread in the transitional period, arriving in Britain probably contemporaneously with bronze, or perhaps earlier.

The skull form (Fig. vii.) associated with the short cists, is in the majority of cases brachycephalic, but in a certain proportion a dolichocephalic type is found. This is capable of the interpretation that the Eur-asians to some degree absorbed, and merged with a pre-existing people with elongated crania. If now the *beaker* ceramic is the oldest non-Iberian pottery it should be associated with the Eur-asian type in its purity. That this expectation is fulfilled is so far proved by 22 instances known to me in which skulls associated with *beakers* have been preserved and recorded. Of these, 20 are markedly, some exaggeratedly, brachycephalic; one has an index very slightly below the conventional limit; only one is dolichocephalic and as it was found so far west and north as Derbyshire, there may have been time for admixture. The ten Scottish examples have all high brachycephalic indices, and they belong to one or other of the subvarieties of the *sphenoid* class of Sergi. The type of short cist cranium in Aberdeenshire, it has been demonstrated by Dr. Low<sup>2</sup> of Aberdeen, is not what is supposed to be characteristic of the Bronze Age. It conforms rather to the *Dissentis* than to the *Sion* type of His and Rüttimeyer. The brow ridges are not specially prominent, and the individuals to whom the skulls belonged were short in stature. The same is true of my Caithness specimen, though in a skull from Banffshire, described in *Crania Britannica*, the brow ridges are prominent, and Dr. Davis was satisfied with the identity of the type with the 'ancient British' skulls in South Britain. As this skull was also found with a *beaker* there is no reason to suppose that we are dealing with anything more than individual variations. These types prevailed in Central Europe, where indeed they still persist, at

<sup>1</sup> *Journal Anthropological Institute*, vol. xxxii., 1902, and *Pro. Soc. Antiquar. Scot.*, vol. xxxviii.

<sup>2</sup> *Proc. Anat. and Anthro. Soc. Univ. of Aberdeen*, 1902-1904.

the epoch when it is conjectured the *beaker* ceramic spread from that region.

The association of the *beaker* with the Eur-asian type of skull is so close, that its distribution may fairly be taken as representing the extension of that race at the period during which the ceramic persisted. Mr. Abercromby gives a map indicating the localities of *beaker* finds up to the present time. Though necessarily provisional, it is most suggestive in the Scottish area. The localities are thickly dotted along the eastern sea-board, especially in the north-eastern counties, but to the west there are only a few sporadic sites, while in Ireland there are only two doubtful instances—one in County Down and another in Sligo.

It may therefore be fairly concluded, always on the assumption of the *beaker* being the earliest form of bronze age pottery, that the Eur-asians arrived from the east either by way of the sea, or up the east coast from the south of Britain; and there is evidence that they were confined to the eastern parts of the country for a certain period, which may have been a relatively long one.

The Iberians in the extreme North were probably long isolated, though the short cist culture spread into Caithness and onwards to the North. South of the Moray firth, at a certain defined period the eastern sea-board was dominated by the Eur-asians, and the western by the chamber-building Iberians, both races superimposed on an unknown primitive early neolithic substratum. The two races were separated at first by the forest-covered mountains of the Highlands and Southern Uplands. There were two easy routes to the west, the great glen and the midland plain.

The group of chambered structures in Nairnshire is remarkable for the special features of the monuments. They seem to have been surrounded with concentric circles of standing stones, and the chambers are rounded single compartments with a short passage of entrance. Two broken vessels of pottery were dug out of one of the chambers in 1828, and one is described as being a rude vessel reddish in colour, flat at the bottom, and rounded at the top like a 'garden pot.' It would be interesting to know if this was a *beaker*, as one is tempted to speculate that the circles with central chambers, are transitions to the circles with closed cists. In any case, the Eur-asians and Iberians must have come in contact in this region.



FIG. 6.—Beaker from Cist at Lesmurdie, Banffshire. (Hon. John Abercromby, *Proc.S.A. Scot.*, Vol. XXXVII. and *Crania Britannica*, pl. 16.)



FIG. 5.—Norma Verticalis of Skull from Clachaig Chamber, Arran.



FIG. 7.—Norma Verticalis of Skull from Cist at Acharole, Caithness, found with a Beaker.

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The evidence of merging of the two types of custom and culture is more complete in the South.

I have said that in Arran and Bute there are examples of simplification of the chambered structures, until a final stage is reached in which the reduced chamber is nothing more than a rough cist, which differs from the short cists only in its



FIG. 9.—Urn from Chamber No. 1, Glecknabae Cairn. (Scale,  $\frac{1}{2}$ .)

comparative rudeness and its larger size, and in the one important particular that the fourth side is lower than the other three, and forms the sill of a portal guarded by two upright stones; all the typical characters of cairn and chamber have



FIG. 10.—Urn from Chamber at north-west corner Glecknabae Cairn. (Scale,  $\frac{1}{2}$ .)

disappeared save the portal of entrance, which remains as evidence of the persistence of the Iberian custom of successive interments in the same vault.

It might be imagined that such a simple structure was the first stage in the evolution, and not the final stage in the devolution of the complicated chamber. The key which unlocked the problem was discovered in a remarkable cairn on the western shore of the Island of Bute, near Glecknabae farm.

The cairn contained two rude cists or small chambers of the class indicated, as well as a short cist as a secondary interment. (Fig. VIII.) The roof was absent in each case—but a fine example of a denuded chamber of the same kind at Sandbank, on the Holy Loch, has the roof still *in situ*. It is formed of a single slab resting on the upper edges of the lateral stones, so that there is little doubt that, like the other characters of the typical chambers, the building with small flags was also absent, increasing the resemblance to the more carefully constructed and smaller short cist. The Sandbank monument has two tall pillars guarding the portal—but in the Bute example the portal stones are low flags which do not rise higher than the chamber walls.

The final link of the argument is provided by the pottery in the two small chambers in the Glecknabae cairn. In the one chamber typical examples of the round bottomed *Iberian pottery* were recovered (Fig. IX.)—while in the other were the fragments of four vessels of the *beaker* class (Fig. X.), rude in form and very simple in decoration, which was, however, zonular in one of the fragments.

All the phenomena clearly point to a degeneration *in situ* of the Iberian before the Eur-asian type of custom and culture, and we accordingly find that at a period clearly subsequent to the period with which I have been dealing, the district was occupied by the Eur-asian race—for a considerable number of short cists have been unearthed, several of which had bronze objects, and *sphenoid* brachycephalic crania have been found in them. It is noteworthy that though *beakers* have been found in Argyleshire, the majority of the cists have yielded urns of the *food vessel* class (Fig. XI.). This speaks for the later date of this type of ceramic, and helps the general argument founded on the supposed priority of the *beaker* fictilia. It is also to be noted that this *food vessel* pottery is Scottish, and distinct from the contemporary Irish ceramic which takes the form of low bowl-like vessels, which are highly ornamented. The intercourse between Argyle and Antrim was still maintained, however, for certain urns from the Kilmartin district are distinctly Irish in type—so much so that Canon Greenwell concluded from his observations in that region, that the same race must have occupied Argyleshire as was spread over the north of Ireland at that epoch.

The prehistoric argument is now complete. As the two kinds of culture and custom merged in the west, so judging

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FIG. 8.—View from the east of Portal Chamber No. 1, Gleeknabac Cairn, Bute.

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by analogies elsewhere, it may be reasonably surmised that the two racial types established relationships, of which we may find traces in the present population.

Our information regarding the physical characters of the living population of Scotland is yet so meagre from a scientific point of view, that it is not possible to speak in more than a general way of the distribution of traits. I hope this may ere long be remedied, if the efforts of the present Anthropometric Committee of the British Association are supported and seconded, as they ought to be. I do not intend to enter here on the whole question, but only briefly to refer to two points.

The researches of Sir William Turner, recently published,<sup>1</sup> have demonstrated that 'there is a strong strain of brachycephaly in the population of Scotland at the present time.'



FIG. 11.—Urn of food-vessel type from Cist in Scalpsie Tumulus. (Scale,  $\frac{1}{2}$ .)

This strain is especially well marked in the districts now the least Celtic, and it is a fact of possible significance, that the area corresponds to the area of seeming maximum distribution of the *beaker* ceramic in prehistoric times, which, so far as we yet know, is practically invariably associated with crania showing brachycephalic proportions.

From the data given in Sir William Turner's memoir, and such few other observations as we possess, it seems to be

<sup>1</sup> *Trans. Roy. Soc. Edin.*, vol. xl., part iii., 1903.

present in smaller proportions in the west. In Dr. Beddoe's<sup>1</sup> series of 55 Higherlanders it is practically absent, and the contrast between east and west is maintained when we compare his series with that of Messrs. Gray and Tocher of the inhabitants of East Aberdeenshire.<sup>2</sup>

Turning now to 'pigmentation,' we know from Dr. Beddoe's work by his 'Index of Nigrescence method,' that all over the north and outer Hebrides there is a predominance of blond traits due to the infusion of Scandinavian blood. In the south-east the same is the case, due to the intermingling of various other Teutonic elements. The prevailing tint in the north-east counties is fair, but Messrs. Gray and Tocher have demonstrated a considerable admixture of brunette traits. The blond traits are certainly Teutonic, but are the brunette to be attributed to the Iberian long heads, or to the broad heads?

At the present day all the isolated spots of brachycephaly round the North Sea—in Belgium, in Holland and on the South-west Coast of Norway—seem to be darker than the rest of the inhabitants, and Professor Ripley<sup>3</sup> refers them all to his 'Alpine race.' Taking the origin of the *beaker* into account along with the identity of the skull form, the conclusion seems legitimate that the *beaker* folk were a part of the Eur-asian stock in Central Europe, and therefore probably moderately dark in complexion, and as the brachycephalic strain in the eastern countries can only be due to this early immigration, the brunette traits may perhaps be due to that ancient race also.

Passing over to the west it is noticeable that wherever there are known Iberian remains, brunette is the more dominant trait, as tested by Dr. Beddoe's method, and in Argyleshire and Buteshire, where they are so numerous, the proportion is at its maximum. This is doubtless due to the persistence of Iberian traits, though if the brachycephalic Eur-asians were also moderately dark any admixture with them, such as I have postulated, would not have altered the tint. If the prevailing cranial characters and the pigmentation be taken together, the conclusion points to a predominance of the Iberian features in the present population. Scandinavian infusion of course complicates the problem, since the skull form is little different from the Iberian; but it would

<sup>1</sup> *The Races of Britain*, 1885.

<sup>2</sup> *Jour. Anthro. Institute*, vol. xxx., n.s. iii., 1900.

<sup>3</sup> *The Races of Europe*, 1900.

appear that while in the north the Scandinavian blondness has largely swamped the brunette traits, in Argyle, Bute and the Western Highlands generally, these have remained less affected.

If all these hints of evidence, for they are perhaps hardly more than that, be summed up, the aggregate is strong in favour of the conclusion that the present conditions were established in remote times; that while in the East there is a preponderance of late Teutonic elements superimposed on a considerable Eur-asian or 'Alpine' (Ripley) factor, in the west there is a preponderance of Iberian elements on which has been superimposed a weaker strain of the 'Alpine' type. The one in fact is Teuto-Celtic, the other Ibero-Celtic with a certain infusion of Scandinavian blood, and both overlies a still more ancient unknown early neolithic substratum.

If the Ibero-Celts were the Picts, then we have evidence that primitively the Pictish kingdom extended all the way south through Argyle and Bute—and the results of the excavations of the Argyleshire forts conducted during last season by the Society of Antiquaries, have special interest in this connection.

One point more. If the chamber-builders were short, dark, and dolichocephalous, and the short cist folk of medium height, moderately dark, and brachycephalous, what of the 'Caledonians' of Tacitus? Was he right after all about their Germanic origin? Professor Ripley inclines to believe he may have been, and Huxley suggested as a solution of the difficulty that long before the known invasions, a stream of Scandinavians set into Scotland and formed a large part of our primitive population. There is another consideration, however, in this connection which I do not remember to have seen stated, or if so, it has not received the attention it deserves. The Iberians of the chambered cairns have no title to be regarded as the sole representatives of the Stone Age in Scotland<sup>1</sup> any more than the builders of the 'Giants' Chambers' in Scandinavia. The earlier neolithic shell-folk cannot be left out of account as a possible factor among the prehistoric population of North Britain. We cannot argue from the pigmentation of the late Iberians to that of early neolithic inhabitants.

If we accept the North African origin from a common stock of both the Mediterranean and Teutonic race types, we require to accept also the evolution of the latter in a special habitat,

<sup>1</sup> Cf. Dr. Munro's *Prehistoric Scotland*, p. 326.

and under special climatic conditions. In what respect would North Britain and the Northern Islands differ from Scandinavia in distant Neolithic times? Was North Britain part of the original home of the tall blond race, and would Dr. Beddoe's representative of the Caledonians of Tacitus<sup>1</sup>—a six feet high, harsh featured, red haired and blue eyed Gael, with a cephalic index of 72·8—stand for the type?

T. H. BRYCE.

<sup>1</sup> *Loc. cit.*, table, p. 234.

## Scottish Industrial Undertakings before the Union

### III

#### THE TEXTILE GROUP (*Continued*)<sup>1</sup>

##### MINOR WOOLLEN MANUFACTORIES

Woollen Manufacture at Glasgow (James Armour), 1683.

Woollen Manufacture at Paul's Work, Edinburgh, 1683-1708.

Woollen Manufacture at Musselburgh, (?) 1695.

Woollen Manufacture at Aberdeen, 1696.

The Woollen Manufacture of Glasgow (Wm. Cochrane), 1699.

Woollen and Linen Manufactory of John Corse, Glasgow, 1700.

William Hog's Manufacture, (?) 1702-3.

The Woollen Manufacture of North-Mills, Aberdeenshire (Wm. Black), 1703.

Lyell's Manufactory at Gairdin, in Angus-shire, 1704.

IN addition to the Newmills Company, there was a large number of other cloth works, some of them of considerable importance. In fact, owing to the advantages given by the Act of 1681 for encouraging trade and manufactures, as well as the special privileges obtained by the Newmills Company, people had turned their minds and stocks by preference towards the woollen trade.<sup>2</sup> In 1683, the privileges of a manufacture were granted to the undertaking of James Armour at Glasgow, which was intended to produce serges and other kinds of cloth.<sup>3</sup>

<sup>1</sup> See *Scottish Historical Review*, vol. i. p. 407, and vol. ii. p. 53.

<sup>2</sup> *Memorial concerning the State of Manufactures before and since the year 1700*. Advocates' Library. Pamphlets, vol. 197.

<sup>3</sup> *Acts of the Parliaments of Scotland*, viii. p. 361.

There is no record as to the success or failure of this venture, but it would appear that it did not ruin the promoter, as a James Armour, of Glasgow, was associated with Chamberlain in the proposal for establishing a Land Bank.

In 1683, the privileges of a manufacture were granted to a broadcloth manufactory at Paul's Work, in Edinburgh, which had already been in operation. This undertaking had been established by a partnership of several persons, and evidence was produced before the Privy Council to show that the whole process from the purchase of the rough wool, including dyeing and mixing, up to the delivery of broadcloth was performed in the factory and that the cloth had gained the approval of the merchants of Edinburgh.<sup>4</sup> It is by no means easy to differentiate this Company from the Scots Linen Manufacture, which had also buildings at Paul's Work.<sup>5</sup> The Company of 1683 is said to have made linens as well as cloth,<sup>6</sup> and, therefore, when Dupin was forming his linen company in 1690, he may either have acquired the premises of the older concern, or again, the two businesses may have co-existed side by side—the address of each being 'Paul's Work.' On the whole, it seems that the advertisement already quoted,<sup>7</sup> with reference to the sale or feuing of Paul's Work related to this rather than to the buildings occupied by the Linen Company, because, in the description, there is no reference to linen, and there is mention of the Bonnington Mills, which had long been used for the production of cloth. The undertaking offered for sale in 1708 had a subsidy from the Town Council of Edinburgh for the teaching of apprentices—a kind of grant given to many of the woollen factories.

For over ten years, no records of new cloth works have come to light. The reason for this, as well as the starting of numerous undertakings from 1695 to 1705, is to be found in the attitude of the State to the importation of foreign cloth and the exportation of wool.<sup>8</sup> As soon as there were grounds to expect that a return would be made to the protectionist policy in vogue from 1681 to 1685, new woollen companies began to be created. Works had been established at Musselburgh, by a Gilbert Robertson, of Whitehouse, who, in 1695, petitioned Parliament

<sup>4</sup> *Decreta* of Privy Council of Scotland, f. 181.

<sup>5</sup> *Vide Scottish Historical Review*, ii. p. 55.

<sup>6</sup> *Warden's Linen Trade*, p. 428.

<sup>7</sup> *Vide The Scots Linen Manufacture. Scottish Historical Review*, ii. p. 60.

<sup>8</sup> *Vide Scottish Historical Review*, i. p. 183.

for the same privileges that had been granted to the Newmills Company. He stated that he had been very well encouraged by the success of his labour, and was resolved to extend his works by assuming others in partnership.<sup>9</sup> In 1703, the same request was again preferred, and by that time the undertaking had grown. 'Many hundreds' of workpeople were employed,<sup>10</sup> and, by the inclusion of a number of partners, a considerable stock had been adventured.<sup>11</sup>

In 1696, a company, consisting of a moderately large membership, was established in the city of Aberdeen.<sup>12</sup>

An influential company was formed in Glasgow in 1699, consisting of ten persons, including William Dunlop, Principal of the University; Mungo Cochrane, a distiller; and several ship-owners. It proposed 'to make woollen stuffs of all sorts, such as damasks, half-silks, draughts, friezes, drogats, tartans, craips, capitations, russets, and all other stuffs for men and women's apparel, either in summer or winter.' It was expected that this varied assortment of products could be sold 'at an easie rate,' and, to secure a high standard of workmanship, 'able artists' had been brought from abroad. The company sought special consideration from the Privy Council in view of the fact that £10,000 sterling was annually paid to Ireland from the South and West of Scotland for woollen goods, which would now be made at home.<sup>13</sup> A similar petition was presented to Parliament for the privileges of a manufacture, under the Act of 1681.<sup>14</sup> This company soon made rapid progress, and about the year 1700 it employed 1400 persons, this being the largest number recorded as receiving wages simultaneously from any one firm.<sup>15</sup> In 1704, this Company took the lead as the premier cloth factory in petitioning Parliament for a more liberal policy towards the manufacturers.<sup>16</sup> From 1704, there is no further mention of this company; as already shown, being a producer of fine woollen goods it would have suffered by the Union, and

<sup>9</sup> Parliamentary Papers, 1695. 'The Petition of G. Robertson.'

<sup>10</sup> *Memorial concerning the State of Manufactures, ut supra.*

<sup>11</sup> *Acts of the Parliaments of Scotland*, xi. p. 81.

<sup>12</sup> *Chambers' Domestic Annals of Scotland*, iii. p. 155.

<sup>13</sup> *Chambers' Domestic Annals of Scotland*, iii. pp. 126, 127.

<sup>14</sup> Parliamentary Papers Undated. 'The Petition of William Cochrane.'

<sup>15</sup> *Memorial, ut supra.*

<sup>16</sup> Parliamentary Papers, 1704. 'Proposals in favour of the Woollen Manufactories, and particularly that of Glasgow.'

when later efforts were made to start the industry again in Glasgow, such efforts were regarded as founding the trade anew. Another woollen factory, which had a branch for making linen, was started in 1700 by John Corse.<sup>17</sup>

The second series of the minutes of the Newmills Company, which begins in 1701, presents some interesting side-lights on the condition of other cloth factories. Mention is there made of the more important of the contemporary undertakings, namely the Musselburgh, the Glasgow, and Paul's Work Companies. Another business, established at Hamilton, is also referred to. The relations between these different factories were partly harmonious, partly antagonistic. After the Act of 1701, prohibiting the export of wool, joint action was taken by the Newmills and Paul's Work Companies to convict persons evading this enactment.<sup>18</sup> It appears, too, that improved technical processes were communicated by the Musselburgh to the Newmills Company.<sup>19</sup> The chief occasion of friction arose out of the Acts giving the owners of factories extensive powers over servants they brought into the country. The Newmills Company several times complained of 'the running away' of skilled hands to other cloth works, and the measures taken for the recovery of the fugitives are recorded.<sup>20</sup>

Besides the works already mentioned, there were some others founded in the early years of the eighteenth century. One was owned by William Hog, of Harcarse, in Berwickshire, which had the unique distinction to survive the Union.<sup>21</sup> The methods of managing Gordon's mill, near Aberdeen, which was known as the manufactory of North-Mills, are of considerable interest. The proprietor, an advocate, named William Black, stated that his servants, who were highly trained, were bound to work for any one who would employ them, and work only for their master 'when they have nothing else to do—yea, when any work comes from the country, his is laid aside.' This was the only method by which Scots manufactures could be obtained at reasonable

<sup>17</sup> *Acts of the Parliaments of Scotland*, x. App. p. 56.

<sup>18</sup> *The Records of a Scottish Cloth Manufacturing Company* (1681-1703), p. 274. There is another reference to the Paul's Work as late as January 20th, 1703, when the master became security for a purchaser of cloth from the Newmills Company. This entry is in the statistical matter, which is not included in the printed copy.

<sup>19</sup> *Ibid.*, p. 238.

<sup>20</sup> *Ibid.*, pp. 225, 234, 264, 268.

<sup>21</sup> Collection of Petitions to the Barons of the Exchequer, *ut supra*. 'Proposals of William Hog' (dated January, 1709).

prices! One is not surprised to find Black was not in any society, as he explains it, because the partners 'would not so unanimously agree in running such hazards.' In the study of Parliamentary petitions, one comes to expect that the amount demanded at the close will be in proportion to the benevolence in the preamble, and the present is a case in point. Black asked the privilege of a manufacture, and, in addition, parallel grants to those enjoyed by the Newmills Company, with the very important further requirement of Parliamentary sanction for the county raising any sum, not exceeding a week's cess, to be paid to Black for maintaining and teaching apprentices. Parliament granted one part of the petition, namely, the privilege of a manufacture: the immunities granted Newmills were refused to the Northmills manufactory, and the Commissioners of Supply for Aberdeenshire were authorised to raise £1000 yearly for five years to be paid Black for maintaining and teaching the trade to boys from the county.<sup>22</sup>

James Lyell, of Gairdin, had obtained, in 1695, the privilege of a manufacture for a process for extracting oil from seeds, and for the preparation of hare and rabbit skins to be made into hats.<sup>23</sup> In 1704, he petitioned Parliament for the same encouragement for his woollen manufactory established at Gairdin, in Angusshire, asking at the same time that he should be allowed £1000 Scots a year to enable him to teach the trade to poor boys. In support of his request, he stated that it was well known that 'joint-stocks and co-partneries were seldom or never so sure, advantageous, and successful as the industry of private persons who have sufficient stock and skill for carrying on such an undertaking, and who, being encouraged to work for themselves, do not only improve in the work but in a short time bring low the prices and employ the poor.'<sup>24</sup> Evidently, even in the first years of the eighteenth century, the effect of pauper labour on prices had been felt.

#### THE SILK MANUFACTORY (1697)

As early as 1682, an effort had been made to introduce the spinning of silk into Scotland. In that year, a monopoly for seventeen years was granted to George Sanders for a manu-

<sup>22</sup> *Acts of the Parliaments of Scotland*, xi. pp. 81, 82.

<sup>23</sup> *Ibid.*, ix. p. 420.

<sup>24</sup> *Parliamentary Papers*, 1704. 'The Petition of James Lyell of Garden.'

factory for the twisting and throwing of all sorts of raw silk. Sanders having failed to succeed in his undertaking, the Privy Council, on June 15th, 1697, authorised Joseph Ormiston and William Elliot to set up a similar undertaking, which was to have the privilege of a manufacture under the Act of 1681.<sup>25</sup> In the year 1698, the promoters presented a petition to Parliament in which they stated that the enterprise had not as yet been started, 'because it is very obvious that except others had been discharged and debarred from setting up and prosecuting the same manufacture for a certain space of years, during which we might have expected a reimbursement of our charges and expenses that usually attend such an undertaking, your petitioners could not follow the said Act [of the Privy Council] without evidently hazarding the loss of our stock, beside the disappointment of any small gain that might reasonably be expected by the undertakers of any such public work.'<sup>26</sup> It was added that though the Privy Council had granted the privilege of the undertaking being a manufacture, it had been loth to give a monopoly, that being more proper for Parliament. The signatories, therefore, asked the sole privilege of a manufacture for winding, throwing, twisting, and dyeing all sorts of raw and unwrought silks for themselves and the partners they intended to assume.<sup>27</sup> This petition was considered by Parliament; but the partnership was subjected to a peculiar species of opposition. The tendency of the Act of 1681 was not only to encourage trade and manufactures but also to repress luxury by the prohibition of the wearing of certain costly materials. These provisions, like other clauses of the Act, had ceased to be observed, and in all probability they would have been forgotten had it not been that the country was beginning to experience a scarcity of resources, which was partly due to the payment of the capital subscribed to the Darien Company, partly, but in a less degree, to investments in new manufacturing enterprises which as yet had yielded small returns. Under the influence of the prevailing mercantilist ideas, the want of spending power was attributed to the growth of luxury, and there was a marked tendency to revert to the enactment of sumptuary laws. Accordingly, in 1698, an 'Act to regulate the

<sup>25</sup> Acts of the Privy Council of Scotland. *Chambers' Domestic Annals of Scotland*, iii. p. 155.

<sup>26</sup> Parliamentary Papers, 1698. 'The Petition of Joseph Ormiston and William Elliot, Merchants, anent a Silk Manufactory.'

<sup>27</sup> *Ibid.*

wearing of silk stuffs' was introduced, but it was ordered to lie on the table.<sup>28</sup>

Though Ormiston and his partners had failed to secure a monopoly, and though their projected enterprise was threatened by sumptuary legislation, the scheme was proceeded with, and at the same time efforts were made to secure other privileges. In 1700, an Act was brought before Parliament to prohibit the importation of foreign silk stuffs; and, after some exceptions had been made, it was passed in 1701.<sup>29</sup> With this encouragement, the undertaking made progress, and, about this time, 23 looms were in use.<sup>30</sup> By this period, profits had been earned sufficient to excite the envy of persons who were not members of the company, and complaints were made that the benefits of the trade were confined to a small number of persons.<sup>31</sup> Another objection to the company was urged by the merchants of Edinburgh, who complained that the silk manufacture was injurious to the cloth trade. The former industry depended of necessity on imported raw material, whereas the latter utilized a home product, therefore the woollen trade should be encouraged and the silk-weaving industry suppressed.<sup>32</sup>

A much more serious menace to the continued prosperity of the undertaking than the opposition of the cloth manufacturers arose from the neglect of the Act of 1701, prohibiting the importation of foreign silk, and to the facilities for smuggling goods that could be packed in small bulk.<sup>33</sup> As in the case of the Royal Lustring Company of England, it was found that it was almost impossible to maintain prices owing to the supply of smuggled goods being of considerable magnitude. Besides, the

<sup>28</sup> *Acts of the Parliaments of Scotland*, x. p. 144.

<sup>29</sup> *Ibid.*, x. pp. 146, 147, 240, 280.

<sup>30</sup> *Memorial concerning the state of Manufactures before and since the year 1700*. Pamphlets, No. 197 (Advocates' Library).

<sup>31</sup> *Parliamentary Papers after 1702*. 'Answers to Memorial given in by the Merchant Tailors.'

<sup>32</sup> *Acts of the Parliaments of Scotland*, xi. p. 132. The statement in the text must be taken as an *ex parte* one. Even as late as 1774 it is recorded that little of the wool then used was the product of the country, most of it being brought from Newcastle and London (Postlethwayt's *Dictionary of Trade and Commerce*, Article on Scotland). The minutes of the Newmills Company show that when Scottish wool was used at all it could only be made into the lowest grade of cloth, while an analysis of the names of sellers to the company suggests that the purchases may have been dictated by other than strictly commercial objects. At the same time very large purchases of Spanish wool were made.

<sup>33</sup> *Ibid.*, xi. pp. 53, 54.

passing of laws to encourage certain companies, or individuals, by the prohibition of competing imports, threw the onus of discovery and prosecution on the favoured companies, and this resulted in the prosecutors sustaining 'much reproach and discouragement.'<sup>34</sup> In addition, the scarcity of capital began to be more felt in the first years of the eighteenth century, and persons who did not find a remedy in land-bank schemes, or the revival of the Darien Company, continued to press for a sumptuary law. One writer in favour of such legislation says, 'who can deny that every heritor in Scotland doth spend more on superfluities for himself, his wife, and children, than his taxes for the public amount to, and much more—is not this prohibition an easy and virtuous way to reimburse ourselves?'<sup>35</sup> The silk manufacturers were charged with encouraging prodigality, and much was made of the fact that this was one of the very few manufactures encouraged by Parliament which produced articles of luxury.<sup>36</sup> It was also objected that this industry employed very few hands. This was said to be a 'mistake, for it is well known that there are a great many young gentlemen, who formerly were in great straits, who are now subsisting by winding silk'—indeed, the proprietors of the manufactory contended that they employed as many persons, proportionately to the size of the country, as were paid wages in the same industry in England.<sup>37</sup> The merchants who retailed silk memorialised Parliament showing the injury they had sustained by the partners in the manufactory themselves acting as retailers (as had been done by the Newmills Company), which was looked upon as 'an attempt to drive a plain monopoly.'<sup>38</sup> When it is remembered that the founders of the company endeavoured to obtain a monopoly, it is amusing to find they profess to be surprised at this charge being made, and point to the fact that anyone may start a manufactory. In 1705, an overture for an Act prohibiting the wearing of any silk (except black silk) was brought before Parliament.<sup>39</sup> The proprietors of the silk manufactory petitioned

<sup>34</sup> Parliamentary Papers after 1702. 'Answers to Memorial given in by Merchant Tailors.'

<sup>35</sup> *Ibid.*, 1700. 'Reasons General for a Sumptuary Law.'

<sup>36</sup> Parliamentary Papers, 1704. 'Answers of the Masters of the Silk Manufactory to the Representations of the Retailing Merchants.'

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Acts of the Parliaments of Scotland*, xi. p. 219. Parliamentary Papers, 1705. 'Draft teb-silk.'

against this overture becoming law. They stated that the industry had been brought to an extraordinary degree of perfection;<sup>40</sup> but, as against this, it was alleged that the web was imported into Scotland already warped.<sup>41</sup> The manufacturers further pleaded for consideration from Parliament in view of the fact that, through the establishment of the industry, 'very many poor were profitably and virtuously employed,' and that they could sell silks as cheaply as those imported from England.<sup>42</sup> The Union gave them an opportunity of testing the latter assertion, apparently to the detriment of the Scottish silk industry, for, in 1709, we find Joseph Ormiston giving his attention to the cloth trade, and coming forward, as a petitioner on behalf of a proposed company, for a part of the grant payable by the Commissioners of the Equivalent.<sup>43</sup>

#### OTHER TEXTILE AND ALLIED INDUSTRIES

The Manufacture of Colchester Baizes (1693).

The Manufacture of Stockings (1700).

The Sail-Cloth Manufactory at Leith (1694).

Rope Work of James and Thomas Deans (about 1690).

The Rope Manufactory at Glasgow (1690).

Cordage Manufactory at Glasgow (1700).

John Holland, the founder of the Bank of Scotland, was one of the many persons with capital at their disposal who, after the Revolution, were endeavouring to develop Scottish industries. He was instrumental in forming a company for producing 'that sort of cloth, commonly known as Colchester Baizes, which will consume a great deal of cloth, which cannot be profitable either at home or abroad.' By an Act of Parliament, dated June 14th, 1693, a company was created, consisting in the first instance, of six persons named, to which the usual statutory privileges of a manufacture were granted. Further, as in the case of the Scots Linen Manufacture, and other Companies, an entry in the books to be kept in Edinburgh and

<sup>40</sup> Parliamentary Papers, 1705. 'Petition of the Merchants and Others concerned in the Silk Manufactory.'

<sup>41</sup> *Acts of the Parliaments of Scotland*, xi. p. 54.

<sup>42</sup> Parliamentary Papers, 1705. Petition, *ut supra*.

<sup>43</sup> Collection of Petitions to the Barons of the Exchequer. (Edinburgh University Library). 'Petition of Joseph Ormiston.'

London, was sufficient title to the ownership of shares. This Act gives the curious privilege of a monopoly for seven years as against other joint-stock companies, but not against private persons, subject to the condition that works should be established within two years, otherwise the grant would determine.<sup>44</sup>

As early as 1682, the Newmills Company had introduced the making of stockings by the use of weaving-frames, but the plant was sold in 1689. In 1700, a number of merchants in Edinburgh petitioned for encouragement in this industry,<sup>45</sup> and in 1706, there were two firms engaged in the trade.<sup>46</sup>

Up till the time of William III., Scottish shipping was under a grave disadvantage in that it was necessary to build vessels of any considerable size out of the country, and, once a ship had been obtained, stores, such as sail-cloth and cordage, had to be imported. Attempts were now made to remedy this state of affairs by the formation of a company for the manufacture of sail-cloth. In 1694, a patent was granted certain undertakers incorporating them as a '*Societas*,' with a monopoly for seven years.<sup>47</sup> By an Act of Parliament of the year 1696, the monopoly was extended to nineteen years.<sup>48</sup> A factory had been built at Leith, which was burnt down in 1710. As the monopoly was due to lapse (unless renewed) in 1713, the proprietors gave up the trade, and the premises were rebuilt as the Great Brewery, in the Yard Heads.<sup>49</sup>

For the provision of home-made ropes, a rope-work had been started at Newhaven, by James Deans, who had retired from business after incurring considerable loss. In 1694, his son, Thomas Deans, received the privileges of a manufacture from the Privy Council, 'being prepared to venture another stock in the same work.'<sup>50</sup> In the Newmills minutes, there is considerable information as to the members of the Deans family. By 1703, Thomas Deans was deceased, and his will was produced by his executor in connection with a holding of stock in the Newmills Company, which amounted to £9000 Scots, or £750 sterling.<sup>51</sup>

<sup>44</sup> *Acts of the Parliaments of Scotland*, ix. p. 313.

<sup>45</sup> *Acts of the Parliaments of Scotland*, ix. p. 231. <sup>46</sup> *Edinburgh Courant*, No. 189.

<sup>47</sup> Reg. Magni Sig. (General Register House, Edinburgh), vol. xiv., 1692-1700, f. 76.

<sup>48</sup> *Acts of the Parliaments of Scotland*, ix. p. 103.

<sup>49</sup> *The Scots Postman*, No. 854, Feb. 28, 1711.

<sup>50</sup> Acts of the Privy Council quoted by *Chambers' Domestic Annals of Scotland*, iii. p. 78.

<sup>51</sup> *The Records of a Scottish Cloth Manufacturing Company, 1681-1713*, pp. 336, 337.

In 1690, a rope-manufacturing company had been established at Glasgow, with a capital of £40,000 Scots, or rather over £3000 sterling,<sup>52</sup> to which, on May 7th, 1696, the Privy Council granted the privileges of a manufacture.<sup>53</sup> Two years later, this company petitioned Parliament for a prohibition of imported cordage from the Sound or the East Seas. It was pointed out, in reply, that the whole kingdom could not be supplied conveniently from Glasgow, 'because of the dangerous passage by sea,' and that it was easier for ship-owners in the North of Scotland to obtain cordage from Holland than from Glasgow, till the time came when ropes could be manufactured in their own districts.<sup>54</sup> Accordingly, a duty of 50s. per cwt. was imposed on imported cordage to encourage the Glasgow company.<sup>55</sup> By the time M'Ure wrote his *View of Glasgow*, this undertaking was already known as the 'old rope work,' and, in 1777, it was still in existence.<sup>56</sup>

In 1700, a petition was addressed to Parliament for encouragement to establish a cordage manufactory at Glasgow.<sup>57</sup> There is no evidence to show whether this or the former company, or again a later undertaking, is that of which M'Ure gives the following description: 'The Rope Work is situated on the west side of Stockwell Street, consisting of two stately lodgings, belonging to the proprietors,—great store houses—Spinning houses,—garden, and Boiling-houses; and the old green for spinning large cables, tarred and white ropes, with a pleasant garden.'<sup>58</sup>

W. R. SCOTT.

<sup>52</sup> *Gibson's History of Glasgow*, p. 245.

<sup>53</sup> *Chambers' Domestic Annals of Scotland*, iii. p. 87.

<sup>54</sup> *Parliamentary Papers*, 1698. 'Overture anent Ropes and Cordage.'

<sup>55</sup> *Acts of the Parliaments of Scotland*, x. p. 154.

<sup>56</sup> *Gibson's History of Glasgow*, *ut supra*, p. 245.

<sup>57</sup> *Acts of the Parliaments of Scotland*, ix. p. 231.

<sup>58</sup> *Glasgow, Past and Present*, p. 584.

## Record Room

### COUNTESS OF MURRAY'S LETTER, 1544.

THE following letter, preserved in the Advocates' Library (Balcarres MS., iv. 135), is the work of a woman when writing was not commonly woman's work in Scotland, and alludes to great events, of which almost every trace has now perished from the page of History. It is addressed to Mary of Guise, mother of Queen Mary. By the rotting away of the margin a few words are lost.

'Madame, efter all hertlie commendacioun and service unto 3our grace. Ples ye samyn wit, I ressavit 3our graces writtinges fra Rosay Herrald desyrand me to solist my lord my husband to cum to yis Parliament. 3our grace neidis nocht to bid me solist any man to 3our graces plessur, and in speciall my lord my husband quhilk I beleif . . . t litil solistacioun to do 3our grace service, for he hes bene sa in his persoun sen [his last h]ame cummyn yat he mycht nother ryd nor gang to do his awin besynes in ye . . . and is laitlie pasit to 3our houss of Dingwall for ye rewling [of this] cuntre becauss he is informit yat ye Lord of ye Ilis is brokin furth. . . . Ross is cuntreth yat yai desir mast, for and it be nocht debatit it wilbe alss evill rewlit as ye Ilis. For ther is nother yat nor na uther plessur yat he may do bot he wald do to your grace war nocht his infirmite. I pray God yat every man yat hes promittit 3our grace kindnes keip it alss weill as hes mynd and myn is to 3our grace. And forther I have schawin my mynd to yis berar at lintht quhilk I wald nocht writt, to quhome 3our grace ples gife credence. And ye Blissit Wirgin have 3our grace eternalie. At Dingwall, ye xxiiij day of October.

Be 3our Graces humble and obedient servitrice,

CONTAS OF MURRAY.'

(Addressed on the back) 'To the Quenis Grace.'

Neither the year nor the writer's name appears; yet, from a study of the contents I infer that she was the wife of James, Earl of Murray, bastard brother of King James IV., and wrote it in the year 1544. True, Wood's edition of *Douglas' Peerage* states that Murray died on the 12th June, 1544, but I have not

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been able to verify Wood's authority for this date and take the liberty of supposing it a misprint for the 12th of January, 1544-5; for in the Register of the Great Seal his name appears as witness to charters of November, 1544 (*Registrum Magni Sigilli*), and he certainly was alive on the 10th of June, 1544. For on that day he signed the bond by which Cardinal Beaton and many of the nobility undertook to uphold the authority of the Queen Dowager, when Governor Arran's failure to oppose the English expedition which had just burnt Leith and part of Edinburgh roused all his rivals to unite against him (*State Papers*, v. 393). That bond is evidently in the writer's mind when she 'prays God yat every man yat hes promittit,' etc.; and the outcome of it was the Parliament which she was to urge her husband to attend. This Parliament actually met at Stirling in November, when the Governor was holding his at Edinburgh; and it was, as she feared, so ill supported that its members, instead of deposing the Governor, were fain to come to an agreement with him, when he threatened to proceed against them for disobedience to his authority (*Hamilton Papers*, ii. 449; *Lodge's Illustrations* (edit. 1791), i. 43, 147; *Acts of Parliament of Scotland*, ii. 445). The earldom of Ross and castle of Dingwall formed part of the dowry of Mary of Guise (Teulet, 131), and she had apparently committed them to Murray's care—and defence; for the attempts of the Lords of the Isles to recover possession of the earldom had continued ever since John of the Isles surrendered it to the Crown in the year 1476. The succession of these Lords of the Isles is set forth in Mr. Mackenzie's *History of the Macdonalds*, but there is much that remains obscure. The breaking forth which the Countess here mentions was signalised by the battle of Blair-nan-leine in June, 1544 (when Lord Lovat and his Frasers fought an equal party of Macdonalds near Loch Lochy and both sides were exterminated almost to a man), and also by a foray of the Macdonalds into Glenmoriston in October (*Diurnal of Occurrents*, 34; *Fraser's Chiefs of Grant*, i. 111, etc.). This particular Lord of the Isles was Donald M'Connell, who in the following year made a compact with Henry VIII. to assist a raiding expedition into Scotland from the West. In the negotiations he was styled lord of the Isles and Earl of Ross, and it appeared that he was over thirty years old, and had been a prisoner ever since his birth, his father and others of his family having been put to death by King James V.

(*State Papers*, iii. 518, 523, v. 477). The expedition, under Lennox and Ormond, sailed from Dublin on the 17th November, 1545, but of its doings we know absolutely nothing save that its leaders were home again in the following January and Donald was dead and his successor seeking alliance with England on the same terms (*State Papers*, iii. 548). The tradition is probably true that the division of Henry's money (which was probably little enough, for he was then in desperate straits) caused strife among the Island chieftains, and that Donald returned to Drogheda with the English and died there (see notes to Scott's *Lord of the Isles*).

The use of the word 'debate' in the sense of to beat down or ward off is to be noted. A similar instance occurs in the following passage, written that very year: 'As to all our lordis that wes in England, I fynd sic honestie with tham that there is no men radyar to debait the warre as thai ar—sa, if the King of England will nocht be contenttit with the peace that wes takin I pray you send me word.' Curiously enough the writer of that passage proceeds, 'Geif Donnald of the Ilis keipis his Yuill at Ennernes I sall write schortly to yow at mair lentht' (*British Museum, Add. MS.*, 32, 656, f. 109—the punctuation of this as printed in *Hamilton Papers* is misleading). That was written to the King of England's lieutenant in December, and indeed this outbreak of the Lord of the Isles must have caused some stir, for we read of a report in Antwerp that there was 'risen a new king in Scotland out of the Scottyshe Irysshe' (*Letters and Papers, Henry VIII.*, Vol. xix., Pt. ii., No. 795).

R. H. BRODIE.

#### CAPTAIN COLIN CAMPBELL OF SKIPNESS'S HIGHLAND COMPANY.

A BUNDLE of eighteenth century papers belonging to the Right Rev. Bishop Campbell of Glasgow and Galloway has been placed at our disposal. The documents contain minor points of West Highland history, and have their centre in the person of Captain Colin Campbell of Skipness. Numbers 3, 8, and 9 of the expanded inventory here made, on account of their particular interest, are copied in full.

## I.

'SEASINE in favours of Coline Campbell of Blythwood of ane @ rent of 455 <sup>lib.</sup> payable out of the Lands of Skipnish, &c.

Dat. 3d June 1714.'

[This Sasine registered 'att Dumbartan' 9th July 1714 in the Particular Register of Sasines for the 'bounds & shyres of Argyle Tarbet Bute Arran and Dumbartan' is the title, in consideration of £7590 Scots advanced by Colin Campbell of Blythwood to Angus Campbell of Skipnish and Coline Campbell his eldest lawful son, to 'All and hail and yearly Annual rent of four hundred fifty-five pounds [Scots] . . . answerable and corresponding to the said principall summ of Seven thousand five hundred and ninty pounds [Scots] . . . to be uplifted and taken . . . forth of ALL AND HAILL the lands and others underwritten viz. the [blank] merk land of Clenaig, the four merk land of Creggan the one merk land of Stronreistill, the one merk land of Garveorline the one merk land of Altazalivois the one merk land of Ariuair the seven merk land of Skipnish Keilphein and Glenskippell the two merk land of Auchatadownan and the two merk land of Ballinakelle . . . Lying within the parish of Kilcolmanell and Sherifdom of Argyll.' The Notary is 'Archibaldus Campbell Clericus Lismorensis Diocesis': his motto is *Ditat servata ffides.*]

## 2.

Commission of Deputy Lieutenancy of the Shire of Argyle in favour of 'Angus Campbell of Skifnadge' granted by John Duke of Argyll Earl of Greenwich Marquis of Kintyre and Lorne Earl of Campbell and Cowell, Viscount Lochow and Glen Ilay Baron of Chatham, Inverary Mull Movern and Ferry Hereditary Justice Generall of the Shire of Argyll, the Islands &c. Hereditary Lord Lieutenant and High Sheriff of the said Shire Hereditary Great Master of the Household in Scotland Lord Lieutenant of the County of Surry Lord Lieutenant of the Shire of Dumbarton. One of His Majesties most Hon<sup>ble</sup> Privy Councill Collonell of the Royall Regiment of Horse Guards Generall of the Foot, Generall and Commander in chief of his Majesties Forces in North Britain Governour of the Island of Minorca Groom of the Stole to his Royall Highness the Prince of Wales and Knight of the most noble order of the Garter' subscribed at London 31st August 1715 'before the Right Hon<sup>ble</sup> the Earl of Ilay and Earl of Bute witnesses to the same.'

Bute Witness.

(Signed)

ARGYLL.

Ilay Witness.

[Seal: Quarterly 1st and 4th, gyronny of eight; 2nd and 3rd, a lymphad; round the shield, the Garter; behind, a baton and a sword (point upwards) saltirewise, the baton ensigned with an imperial crown, thereon the crest of Scotland. Above the shield and Garter, a ducal coronet, no crest. Supporters, two lions guardant standing on a compartment. On an escroll under the shield (between an ornament that may be intended for rue and two thistle heads) the motto *Ne obliviscaris.*]

(Superscribed)  
GEORGE R.

WHEREAS we have thought fitt that an Independant Company be formed in the Highlands of North Britain under your Command, to consist of yourself as Lieutenant, One Ensign, Two Sergeants Two Corporalls, One Drum, and Thirty effective Private Men. THESE are to Authorise you by Beat of Drum or otherwise to Raise so many Volunteers in the Highlands of North Britain as shall be wanting to Compleat the said Independant Company to the above Numbers. And all Magistrates, Justices of the Peace, Constables, and other our Officers whom it may Concern, are hereby required to be Assisting unto you in Providing Quarters, Impresssing Carriages, and otherwise as there shall be occasion. GIVEN at Our Court at St. James's this 12th day of May 1725. In the Eleventh Year of our Reign

To our Trusty and welbeloved  
Lieu<sup>t</sup> Colin Campbell of Skipness,  
Commander of an Independant  
Comp<sup>y</sup> of Foot or to the Officer  
appointed by him to Raise Volun-  
tiers for that Company.

By his Majesty's Command  
H. PELHAM

4.

Commission, mostly effaced through damp, by King George I. to 'Our Trusty and Welbeloved Captain Lieutenant Colin Campbell of Skipness . . . to be Commander of an Independent Company in the Highlands of North Britain.'

5.

Commission addressed to Captain Lieutenant Campbell of Skipness, similar to No. 3, to 'augment' the Company by one serjeant, one corporal, one drummer, and thirty private men; given 27th January, 1726/7.

6.

Order by George Wade, Esq., Lieutenant-General and Commander-in-Chief of all His Majesty's Forces, Castles, Forts, and Barracks in North Britain, etc., to Captain Colin Campbell, or the Officer commanding his Highland Company at Ruthven, ordering him 'to march the Company under your Command from their present quarters and stations so as to be at Ruthven on the 23rd instant'; given at Edinburgh, 1st July, 1731.

(Signed) GEORGE WADE.

7.

Order by Joshua Guest, Esq., Brigadier-General commanding in chief His Majesty's Forces in North Britain, to Captain Campbell of Skipness, or the officer commanding his Highland Company at Fort-William, ordering him 'to cause the Company under your command to assemble at Tay Bridge and places adjacent on or before the ninth day of June next in order to be reviewed upon the eleventh,' also 'to order two men to be left at High Bridge who are to continue there 'till releiv'd by the next Company who possesses your Quarters'; given at Edinburgh, 19th May, 1739.

(Signed) JOS. GUEST.

8.

RULES AND ORDERS to be observed in recruiting the Right Honble the Earl of Crawford's Regiment of Foot.

Yow are not to inlist any Irish-man nor any vagabond or stragging fellow let him be never so fine a man, but such men only as are born or have resided some time in the Neighbourhood where yow are recruiting.

No man will be accepted of, but such as are protestants born in the Isle of Brittain not exceeding Twenty five years of age five feet seven inches without shoes. They must be straight, well limbd and shouldered with good Countinances and no ways disabled or distorted either in body feet or limbs and great care to be taken to guard against Ruptures or other hidden sores or distempers.

No Seafareing men to be inlisted.

Young Lads from 16 to 20 years of age if made for growing will be accepted of tho' they may want one inch of 5 feet 7 inches.

GEORGE GRANT.

Inverness January 10th 1740.

9.

A Regimental Court martial held at Perth this 13th day of Aprile 1741.

Captain George Munro P[r]eses.

Lieu<sup>t</sup> M'Donald Lieu<sup>t</sup> Fraser.

Lieu<sup>t</sup> Grant Ensign Menzies.

Duncan M'Callum of Lord Sempill's Regiment & of Captain Colin Campbell's Company Confin'd for insulting & beating serjant Finlay Munro Then serjant of the guard.

Serjant Munro says that upon wensday last the prisoner was going to the field in truses, Contrary to orders, and that upon desiring him to go home to get himself kilted: he said, that if he would go home he wou'd not be at the field that day Then the Serjant took hold of him and desird him at his peril to kilt Upon which the prisoner struck him & blooded him with the strock.

The prisoner says in his defence that where his hose & linens are wash'd is a great way from his quarters and that he brought his arms with him to his washer womans house in order to dress there. That [on] this way the Serjant challenged him for being in truses and that he said that he could find No fault with him if he came in due time, well Drest, to the field.

The Serjant refuses that the prisoner said that if he came in due time well drest to the field he wou'd not be blamed.

Lieu<sup>t</sup> M'kinzie walking on the Street before relieving the guard saw the Serjant & the prisoner grappling, & heard the Serjant desire the prisoner go home & kilt and was answered that he wou'd be drest time enough. The Serjant then took him by the Arm, and desird him to go & dress: Upon which he struck the serjant & pushd him with his firelock: after which the serjant struck him and his Bonet & Comb fell down then Lieu<sup>t</sup> M'kinzie orderd him to the guard.

Donald Munro Corp<sup>l</sup> says he hear'd the serjant desire the prisoner to go & put himself in kilt, & was answered: The Devil a stick to which the serjant replyd that he wou'd Oblige him to go home & do it. The prisoner again answered that if he would go home he wou'd come out no more that day, at which time Lieu<sup>t</sup> M'kinzie Calld for the Corp<sup>l</sup> & askd him what was the Matter then he turned to acquaint him after which he saw the firelock cross between them & blood on the serjant & the prisoners Bonnet & Comb down And if there was any strokes it must have been when his back was towards them.

Donald Campbell soldier on Monzie's Company says he heard the serjant desire the prisoner to go hom & Kilt, and that the prisoner replyd that he would not for he was not fit for it Then the Serjant said he would force him to go to which the prisoner answerd y<sup>t</sup> if he would go, he wou'd not return that day being undisposed. The Serjant then turn'd his back to him & said they were like a flock of Sheep, to which the prisoner answerd, that he was as like a sheep as he was. Upon which the Serj<sup>t</sup> Returned with his fist up: but did not see him lay it on: but saw the prisoners Bonet & Comb upon the street & saw the prisoner retreating backward with his firelock Cross between them yet did not see him strick the serj<sup>t</sup> nor any blood on's Mouth.

The Court martial having considered the Complaint made against the prisoner & his defences with the Evidences laid against him Are Unanimously of Opinion that the prisoner is guilty of a Breach of the Eighth Article of War And Therefore shou'd receive one Hundred Lashes with a Cat of nine tails on his bare Back in the field before the Companies when the Commanding Officer shall appoint.

GEO: MUNRO.

[The undernoted extract communicated by the courtesy of the authorities at the War Office will explain the foregoing reference to the Eighth Article of War.

1742.

'RULES and ARTICLES for the better Government of Our Horse and Foot Guards in Our Kingdom of Great Britain and Ireland and Dominions beyond the Seas.

\* \* \* \* \*

Art. 8th.

'The Penalty of striking or resisting a Superior officer in the Execution of his office or refusing to obey orders.

If any officer or soldier shall strike, or use any violence against his superior officer, being in the execution of his office, or shall refuse to obey any Lawfull Command of his superior officer, all and every Person or Persons so offending shall suffer Death, or such other Punishment as by a Court Martial shall be inflicted.'

It may, of course, be assumed that this article of military law for 1742 was a repetition in terms of the regulation for the previous year.

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## Reviews of Books

A LIST OF BOOKS PRINTED IN SCOTLAND BEFORE 1700, including those printed furth of the Realm for Scottish Booksellers. By Harry P. Aldis. Pp. xvi, 153. 4to. Printed for the Edinburgh Bibliographical Society. 1904.

THIS is an extremely valuable addition to the history of Scottish printers and printing, for it brings together under one cover a vast amount of information not previously collected, and procurable only by diligent research in the most out-of-the-way and unlikely directions. The one systematic work on the early Scottish printers is Messrs. Dickson and Edmond's *Annals*, wonderfully complete, as later research has shown, but coming down only to 1600. Mr. Edmond has also compiled an exhaustive list of the Aberdeen printers from 1620 to 1736. But outside these works the history of Scottish printers must be laboriously pieced together from sources like Watson's preface to his *History*, with its not unbiassed account of his contemporaries and rivals, or the chaotic wealth of information in Lee's *Memorial for the Bible Societies of Scotland*, with such aid as is obtainable from incidental notices in legal and other records. Here all these repositories have been utilised, and their yield augmented by much personal investigation. Avowedly Mr. Aldis's book is of the nature of an interim report on the material available for a complete Scottish bibliography—for such a work is one of the chief objects of the Society at whose instance the *List* has been issued—and it gives earnest of a contribution, huge in bulk and abounding in interest, to the literary history of the country. Here we have almost 4000 title entries, confined in the overwhelming majority of cases to a single line each, but showing in this brief space the short title, size, place, printer or bookseller, an occasional reference to authorities, a library where a copy may be found, and an indication of the information possessed or desired by the Society respecting the separate pieces of printing. Assume that in a full bibliography these entries would increase in bulk from twelve to twenty-fold by collation and annotation, and the proportions of the finished work may be estimated. Should it ever 'materialise' its importance can scarcely be overestimated, while the quality of the work in this preliminary list would once bespeak for it accuracy and authority. For Mr. Aldis has not been content to give a chronological list of books issued; he has added in alphabetical order notes upon the printers and booksellers mentioned,

### 306 Books Printed in Scotland before 1700

drawn from recondite sources, in which he has essentialised the careers of those long-dead exponents of the art preservative of arts. Testing this part of the volume, and basing upon considerable study of the subject in its relation to Glasgow, it can be said that none but the very slightest flaws have been detected—if flaws they can be called. It is worth while pointing out, however, that James Watson's imprisonment for printing Darien books preceded his trial, at which he was sentenced to be banished ten miles from the city of Edinburgh. This led the famous printer to Glasgow, where he found it necessary, backed by the surety of two members of the Hammermen's Incorporation, to undertake to 'leave civilly and peaceably with his neighbours' and to 'obey the Magistrates and Counsel of Glasgow and Bailie and Constables of Gorbellis.' This was in January, 1701, six months after the trial, and probably it was on his return to Edinburgh in the same year that Mrs. Anderson attempted to shut up the office in which he had just resumed business. Mr. Aldis thinks the 'Andrew Hepburn' appearing on a book ostensibly printed in Glasgow in 1689 is 'probably a fictitious name.' If he means that there was no such printer in Glasgow at that date he is probably enough correct; but the extant burgh rolls of the city do not preclude the supposition that a bookseller of the name may have been in business and may have published in his own name a book printed by someone else. A note explaining how a press came to be in operation in the wilds of Kintyre so early as 1685 would have been welcome. The one piece of printing that testifies to the existence of the press is a 'Declaration and Apology of the Protestant People,' drawn up in Holland, and issued from Campbell-Toun by the Earl of Argyle on his invasion of Scotland in the Protestant interest in concert with the Duke of Monmouth. Argyle's expedition left Holland on the 2nd May, 1685, touched at Orkney on the 6th, and is supposed to have reached Campbeltown on the 12th or 13th. Here the declaration must have been printed almost immediately, for the document had reached the Privy Council in Edinburgh by the 18th. The press and 'irons' were no doubt brought from Holland, and would almost certainly be also used to print the appeal which Argyle addressed to his vassals, and which was printed at Tarbert, Loch Fyne, on the 27th of the same month. Is it because no copy of the Tarbert document exists that Mr. Aldis has not included a mention of it in his entries for 1685? After all, the points we have noted are but small blemishes on a work which is a monument of patient industry, accuracy, and research, upon which Mr. Aldis is to be heartily congratulated. It should be added that the *List* differs from the others papers of the Edinburgh Bibliographical Society in that its circulation is not restricted to the membership. In order to show what has already been done, and in the hope of enlisting outside aid in the discovery of additions to the entries already in hand, it has been resolved to place a limited number on sale.

W. STEWART.

## Museums: Their History and their Use 307

MUSEUMS: THEIR HISTORY AND THEIR USE. With a Bibliography and List of Museums in the United Kingdom. By David Murray, LL.D., F.S.A. 3 vols. Glasgow: J. MacLehose & Sons. 1904. 32s. net.

THIS is in part a very readable, and as a whole likely to be a very useful, book. The first of the three volumes is devoted to a history of the development of museums and a statement of Dr. Murray's views as to their uses. The list of museums in the United Kingdom occupies some twenty pages at the end. The second and third volumes are occupied by the Bibliography. The first volume, therefore, is the only one to which the reader as such will turn; and the reader, if he be in search of curious lore, and if he care to be put on the track of a little-disturbed but very interesting class of books—the old literature of museums—will be amply repaid. He will be very grateful to Dr. Murray for bringing to light and life again the collectors of the sixteenth and seventeenth centuries, and for tracing so clearly and fully the gradual development of the scientific spirit in those who formed or who inherited the accumulation of curios which were the nuclei of the museums of our time. If he has read Mr. H. G. Wells's dreadful book, *The Time Machine*, he will remember the fate prophesied by that dismal seer for our museums, and rejoice that he at least will not be a witness of that stage of civilisation.

Dr. Murray's investigations have covered an enormous amount of ground: he is admirably modest in the claim he puts forward for his work, which is a really remarkable achievement, and will be of very great utility to those who have the charge of museums or of departmental libraries. That the Bibliography is not free from errors the author is aware: he will not be ungrateful to me if I point out those which have crept into the entries relating to the museum with which I am personally connected. The Fitzwilliam Museum should be described in the *List* as arch(aeological) and art(istic), not as arch. and anth(ropological). In the Bibliography I would note that Mr. H. A. Chapman's *Handbook to the Museum* is a quite recent publication, and not identical with the *Guide* of 1868: also that the controversial pamphlets referring to the purchase of the Leake Collection of Coins are rather misleadingly placed, as if they referred to the Leake gems—both gems and coins are in the museum—and that the annual reports of the syndicate did not begin in 1894, for the fifty-sixth will be issued shortly: and, lastly, that in the Corrections (iii. 326) the first two items belong to the Museum of General and Local Archaeology, and the third (Catalogue of Pictures) is not a folio book. These are all small points. What Dr. Murray gives us is most welcome, and we can improve upon his lists and bibliography for ourselves as opportunity offers. For the Scotch reader the book will have a special interest. Glasgow's opportunities, achievements, and shortcomings as a museum-making community are eloquently set forth, and I cordially hope that Dr. Murray's counsels may be laid to heart by those who have the power to carry them into effect.

M. R. JAMES.

## 308 Andrew Lang: History of Scotland

THE HISTORY OF SCOTLAND. By Andrew Lang. Vol. III. Pp. x, 424. with frontispiece and maps. 8vo. William Blackwood & Sons, Edinburgh, 1904. 15s. nett.

THE third volume of Mr. Lang's *History of Scotland* is a very welcome addition to his works, and will be read with pleasure by all who admire his quick light style, his skilful manipulation of words, and his happy use of contemporary illustration, which make us pardon his sudden digressions and hasty conclusions. Dealing with Scottish History, from the accession of Charles I. to the Revolution which deposed his son James II., Mr. Lang covers the whole of the period when Prelacy, supported by and itself supporting the King, warred with the Puritanism of the great mass of the people, known later as the 'Covenanters'. It is a pity, therefore, that Mr. Lang should have taken up, as he does, the attitude that the position of the King's party was excusable, and that of the latter wholly indefensible, as by so doing he gives his history, whether consciously or not, an extreme bias, and every argument has an anti-covenanting twist which we fear may rob it of much of its true value. In fact this volume is in many respects a comparison of other histories, with Mr. Lang's remarks thrown in, and as such we prefer to regard it.

The author deals gently with Charles I., and shows that the religious strife was not exclusively of his making, and also that the fear of a revocation of crown lands, like the great 'Reduction' in Sweden, had much to do with the political unrest. As we have indicated, we think he does not wholly appreciate the Covenanters' position. It is perfectly true that they were quite as intolerant of opposition as the King's party, and that he is probably right when he says that the Arminians were the sole remnant who knew, perhaps, what liberty meant; yet he does not seem to feel that without the fierce unreasoning protest of the Covenanters, Regal despotism of an extreme type would probably have been quickly established in Scotland. Montrose is Mr. Lang's hero, and there we should not 'quarrel him,' did he not always take an opportunity of belittling that somewhat unloveable figure, Argyll. The power of the preachers at its height, and the 'Purgings' when the unfortunate young Charles II. was in their hands, did little to check disorder, but Cromwell's power did, and the author is undeniably right in pointing out the humiliation the Scots felt in being absorbed in England—the Earl of Airie writes of the period as the 'tyme of the *English* Usurpers and Cromwell's power, though bowed to, was hated as that of an alien. In this short notice it is impossible to do more than glance at the whole period covered by the volume, but in doing so we are glad to note that Mr. Lang does full justice to the sacrifice made by the Episcopate in going out with James II., of whose character and weakness he gives a fair estimate, and we cannot help wishing that the later Covenanters had fared as well at his hands, as do Claverhouse and the Royalists who have so much of his sympathy, and gain so much by his advocacy.

A. FRANCIS STEUART.

ILLUSTRATIONS OF IRISH HISTORY AND TOPOGRAPHY, MAINLY OF THE SEVENTEENTH CENTURY. By C. Litton Falkiner. Pp. xx, 433, with 3 maps. 8vo. London: Longmans, Green & Co. 18s. nett.

THIS work consists of two parts. Part I. is devoted to a series of original papers. These deal with such matters as 'His Majesty's Castle of Dublin,' 'The Phoenix Park,' 'The Irish Guards,' 'The Counties,' and 'The Woods' of Ireland, etc., etc. Part II. contains several contemporary accounts of Ireland in the seventeenth century.

Among students of Irish history Mr. Falkiner's name is a guarantee of painstaking and conscientious work. Any quarrel, which the present reviewer may have with him, is almost entirely confined to questions of treatment and arrangement. Such matters are largely 'of opinion.' We are glad to see that in his preface the author emphasises the importance, nay, the necessity of local history. No one who has approached the study of Irish history in the right spirit can have failed to appreciate this. Yet it is a truth by no means widely recognised. For instance, up to the middle of the seventeenth century the motive power in Irish history is to be sought in the policy of the great families. Until we have a series of complete and 'scientific' manuals dealing with family and local history, no accurate or satisfactory 'History of Ireland' can be written.

In many other respects Mr. Falkiner's preface is interesting and suggestive; but even his skill in the art of persuasion does not carry conviction as to the wisdom of the manner in which his material is arranged. Between the first and second parts of this book there is no essential connection. An exhaustive collection of seventeenth century notices of Ireland would have proved most useful to the student. The second portion of the book fails to fulfil this condition. It is incomplete, and though full of interesting matter, and enriched by many notes, its inclusion in the present work unfortunately suggests 'padding.' In my opinion the author would have rendered more valuable service had he issued these travels in a separate volume. To the general reader, and indeed to the student, these reprints will, however, prove of great interest. In particular, those acquainted with the south and west of Ireland will be struck by the extraordinary persistence of local customs and character. Did space permit me I could wish to dwell longer upon this point. It should be noticed that one of these papers 'A Discourse of Ireland,' anno 1620, by Luke Gernon, is here printed for the first time.<sup>1</sup> Mr. Falkiner also emphasises the value of Sir

<sup>1</sup>When commenting on the passage [p. 357, Gernon's discourse]: 'I never saw fayrer wenches nor fowler *calliots*, so we call the old women.' Mr. Falkiner strives to explain 'calliot' by *callet*, 'a scold,' or *callot*, 'a skull-cap.' Surely the word is the Celtic 'cailleach' = old women or hags? This word is still in use, and in Limerick, where Gernon was stationed, is to this day pronounced 'calloch.' 'CALLIOT,' [the 'h' might in MS. be mistaken for 'c'], was probably Gernon's nearest attempt to a phonetic spelling. This is the more likely, seeing that in the next few lines he makes an attempt to render the sound of the Celtic 'house mistress' by 'Benytee.'

William Brereton's travels, a document neglected by Froude, Leach and Gardiner.

He has likewise established the identity of the mysterious 'Jorevin de Rocheford.'

With regard to Part I., which is more especially Mr. Falkiner's work, much has already been written on the subject of 'Dublin Castle,' and also upon the 'Irish Guards.' It cannot be said that these papers, although interesting and readable, add very greatly to our knowledge. The most original paper in the series is that which deals with the Phoenix Park. This, which must have necessitated much research, is a valuable contribution to the history of Dublin. Interesting also is the article on the Parish Church of the Irish Parliament. Why, however, does Mr. Falkiner not refer to the episode of the stabbing of a certain Lord Chancellor which is said to have occurred on the steps of this edifice? Less 'original,' yet most suggestive, are the two papers which deal with the 'woods' and the 'counties' of Erin. The part played by the forests in the warfare of the period is justly emphasised, while the history of Irish forestry is traced, in outline, down to the end of the eighteenth century. The pages devoted to the origin of the counties form a good commentary on the necessity of the study of Irish local history, and may be read with profit. The section entitled 'Illustrations of the Civic and Commercial History of Dublin,' contains much curious information, but deals with the eighteenth rather than with the seventeenth century.

This book is most readable, and can be recommended not only to those who aim at making a serious study of Irish history, but also to those who merely wish to possess some acquaintance with the social life of the 'Mere' and of the Anglo-Irish.

JOHN WARDELL

ARCHAEOLOGIA AELIANA. Third Series. Vol. I. AN ACCOUNT OF JESMOND. By Frederick Walter Dendy. Pp. x, 231. F'cap. 4th. Newcastle-upon-Tyne: R. Robinson & Co. 1904.

THE Newcastle Society of Antiquaries has turned down old leaves and opened fresh pages. Its principal publication, the *Archaeologia Aeliana*, started in 1815 in unwieldy quarto, achieved an output of four volumes in forty years! Then, through what the late Dr. Collingwood Bruce was wont to call 'much tribulation,' demy 8vo. was adopted, and in that form, during the last fifty years, twenty-five volumes of the *Archaeologia* and twelve volumes of *Proceedings* have been issued. Now yearly volumes in small quarto appear, resembling those of the Society of Antiquaries of Scotland, bound in buckram, ready for the bookshelf.

This volume, the first of the new series, is devoted to an account of Jesmond (one of the townships of the city of Newcastle), by Mr. F. W. Dendy, a V.-P. of the Society, who has already made his mark in local literature by editing, for the Surtees Society, the books and papers of the Newcastle Company of Merchant Adventurers and the records of the

Newcastle Society of Hostmen. His Jesmond researches yield material of considerable historical interest. Out of the mists and myths of the thirteenth century he brings up a knightly warrior who made the name of Jesmond famous in Border annals, and, through marital enterprises linked it with potent figures in Scottish history. Adam of Jesmond, faintly limned by early chroniclers, stands out in these pages bright and clear. A devoted adherent of Henry III., he fought for that monarch in the troubles north of Tweed, assisted him in the Gascon wars, and helped him to put down the rebellion of Simon de Montfort and the Barons. In the Crusades, too, he played his part, and finally gave up his life. For, in July, 1270, he set out with Prince Edward, Robert Bruce the younger, the Earl of Carrick, and other daring spirits to fight the Paynim in the seventh and last Crusade, and never returned. Christiana, his widow, had been a widow before, her first husband being Thomas de Lascelles. By him she is said to have had a daughter, Erminia, who, marrying John de Seton, became the mother of Christopher and John Seton. And now, being again bereaved, Christiana was wooed and won by Robert Bruce the elder, who, in right of her title to dower, became lord of Jesmond.

In the early part of the fourteenth century the Manor of Jesmond was acquired by Richard Emeldon, eighteen times mayor, and five times Parliamentary representative of Newcastle—a man of high position in north-country affairs. Fighting for his king at the battle of Halidon Hill in July, 1333, he was slain, and the manor was divided among his three daughters. It is curious to note that this thirthing, in a year which contained three threes, has continued down to the present day, and that a portion of the land is still held under its original manorial title.

The devolution of these separate thirds through various noble and knightly families, to whose muniments the author must have had unusual facility of access, is followed by an account of St. Mary's Chapel, once a notable resort of pilgrims, and now, in picturesque ruin, an example of the earliest Norman work in Newcastle. There is also the story of Jesmond Dene, converted by the late Lord Armstrong into a garden of delight, and by him bestowed as a free gift upon his fellow-citizens.

Upon heraldry Mr. Dendy admits weakness, but the blazoning of the shields of the lords of Jesmond, thirty-two in number, leaves nothing to be desired. The index, too, is excellent. It covers thirty-six pages, and each entry contains the pith of the subject matter, whether relating to persons or places.

RICHARD WELFORD.

MON GRAND PÈRE À LA COUR DE LOUIS XV. ET À CELLE DE LOUIS XVI.  
Nouvelles à la Main. Pp. 218. 4to. Paris: Honoré Champion,  
Librairie Spéciale pour l'Histoire de France. 1904.

THE writer of *Une Famille Royaliste Irlandaise et Française et Le Prince Charles Edouard*, a work which has already appeared in an English dress, has placed historical students under further obligations by the publication of this work. In it he has added considerably to the materials he had already supplied from private and family sources for a fuller knowledge of the

French career of those Irish regiments who are known in history as the Irish Brigade. Of Irish origin, but long settled in France, the family of Walsh were connected during several generations with the celebrated regiment of Irish Guards, which was raised by the first Duke of Ormonde after the Restoration, and which after the Revolution enjoyed for a century a career of honourable distinction under the French Crown. Their services were recognised in the title of Earl conferred by the Old Pretender and in that of Comte de Serrant given by Louis XV. The Duc de la Trémouille, to whom we owe the publication of these papers, is connected through the female line with this family, whose representatives were successively Colonels of the Walsh Regiment, and is the custodian of the documents from which these very interesting 'nouvelles à la main' are printed. Already in his *Souvenirs de la Revolution: Mes Parents* (Paris, 1901), the editor had supplemented in a considerable degree the information given in *Une Famille Royaliste* regarding the conditions under which the Walsh Regiment was maintained in the French service, and the present volume provides a good deal more on the same topic. It is from this point of view mainly that the book is of interest in connection with the history of the Three Kingdoms, and it is on this account that it is noticed here. To those concerned with French history for the period embraced by the correspondence, the volume makes, of course, a larger appeal. The documents range from 1767 to 1793, though only a very few are of later date than 1782. Most of the letters are those of Philippe Walsh to his father, the Comte de Serrant. They give a lively and natural account of the doings of a young officer in the army of the last sovereigns of pre-Revolution France. The utility of the publication, which is beautifully printed, would have been much enhanced by a table of contents, to say nothing of an index, which in a volume emanating from a *librairie spéciale pour l'Histoire* it seems natural to expect and odd to be without.

C. LITTON FALKINER.

STUDIES IN BIBLICAL LAW. By Harold M. Wiener, M.A., LL.B. Pp. ix, 128. Demy 8vo. London: David Nutt. 1904. 3s. 6d. nett.

THE author asserts that this book 'represents the first attempt to apply the ordinary methods of legal study to the solution of Biblical problems.' He sums up his attitude towards the literary and historical criticism which has been applied to the text of the Pentateuch during the last hundred years as follows:—'First, the development hypothesis is dead . . . no development has been shown. None can be shown. Secondly, the critics have entirely failed to point to any evidence either of composite authorship or post-Mosaic date.' He then proceeds, on the ground of a purely non-critical survey of the traditional text, to make a series of observations about Hebrew covenants and laws, comparing some of the latter with those of other nations. A large part of the book, however, is occupied by denunciations of the critics, 'the members of this strange school,' as he calls them. 'Their treatment of legal and historical materials is beneath contempt: so are their exegesis and literary criticism.' The author is not unconscious of the violence of

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his language, for in his preface he says, 'In view of the present condition of Biblical studies, I have been compelled to resort to ruthless intellectual weapons.' Yet he has a certain measure of compassion for the unhappy victims of his acerbity:—'While I have not hesitated to make use of them (viz., the aforesaid weapons) I have felt sincere regret for the pain they must necessarily cause.' But in any case, let it be understood that the merciless devastation he has effected is not the outcome of any personal rancour: 'The books I have refuted were selected because they appeared to be representatives of a whole school of thought, and I have throughout regarded the writers as types, not as individuals.' We fear we can only advise the author that as he has begun by 'refuting' those books, he should now at length proceed to examine them. His work in our opinion is entirely vitiated by what is a practical denial of the validity of the inductive method in connection with the study of the Old Testament.

J. CULLEN.

**HISTORICAL MYSTERIES.** By Andrew Lang. Pp. 304, with frontispiece. 8vo. London: Smith, Elder & Co., 1904. 9s. nett.

By his elaborate studies regarding 'Pickle the Spy,' 'Mary Queen of Scots,' 'The Gowrie Conspiracy,' etc., Mr. Andrew Lang has established a reputation as the Dupin or Sherlock Holmes of historical mysteries. In his most recent volume he has gathered together fourteen shorter studies of similar kind which originally appeared in the *Cornhill* and *Blackwood's* magazines and the *Morning Post*. In point of time they range from 1600, the year of the Gowrie Conspiracy, to 1871, when Sir William Crookes experimented with the 'medium,' Daniel Dunglas Home. Several of the subjects cannot be called historical in the greater sense of the term. Some, indeed, like 'The Case of Elizabeth Canning,' or 'The Campden Mystery,' savour more like curiosities of the criminal courts. Nor does the author pretend to discover in each case new conclusive evidence which shall finally settle the question. In the case of Allan Breck and the Appin Murder he avowedly leaves the mystery where he found it, even while he confesses to have learned on the spot the Celtic secret regarding 'the other man.' In each case, however, he recounts in clear and deft fashion the vital details of the affair, with the very latest evidence regarding it; in each case the tale re-told is a romance of real life of absorbing interest; and in each case, like everything written by Mr. Lang, the narrative is done with conspicuous vitality and point.

Among the other mysteries, 'Queen Oglethorpe' recounts the remarkable intrigues and fortunes, at the exiled Jacobite court, of the family of girls whose brother was supposed to have been substituted for the dead child of James II., and to have been the Old Pretender. 'The Chevalier d'Éon,' again, collects the latest light on the career of the secret agent of Louis XV., who, in his later days, 'returned to London in the semblance of a bediamonded old dame, who, after dinner, did not depart with the ladies.' Each, it will be seen, affords

a highly interesting glimpse of certain back-waters of history. In the matter of the Gowrie Conspiracy, Mr. Lang argues, and fairly makes out his case, for the innocence of King James. For those who believed the opposite it is only just to remember that Gowrie's was not the first of such opportune removals in James's time. The slaughter of the 'Bonnie Earl of Moray,' nine years earlier, was popularly thought to be owed to the King's jealousy, and the folly of the Queen. But the book enters a wide arena. Mr. Lang himself mentions another half score of the unsolved riddles of history. It may be hoped that he will go on, and after the same entertaining manner set forth more.

GEORGE EYRE-TODD.

THE LETTERS OF DOROTHY WADHAM, 1609-1618, edited, with Notes and Appendices, by the Rev. R. B. Gardiner, M.A., F.S.A. Pp. viii, 89. 8vo. Oxford: Henry Frowde. 1904. 6s. nett.

THESE letters show how a foundress ruled the Warden and Fellows of a college which owed its all to her. The lady probably could boast of no more education than the amount necessary to enable her to pen her signature, but she had decided views on the subject of appointments and other details of the management of the learned institution which she had brought into existence. The Warden and Fellows proved wonderfully submissive to the rule of an old woman: she happened to hold the strings of a purse whose contents they might hope to share. The rights of a foundress are coextensive with those of a founder; when she is giving all she has, a woman's 'sphere' becomes really spherical, and ceases to be a province enclosed by a debatable frontier.

M. BATESON.

HIERURGIA ANGLICANA. DOCUMENTS AND EXTRACTS ILLUSTRATIVE OF THE CEREMONIAL OF THE ANGLICAN CHURCH AFTER THE REFORMATION. Edited by members of the Ecclesiological late Cambridge Camden Society, A.D. 1848. New edition, revised and considerably enlarged by Vernon Staley. London: Alexandet Moring, the De La More Press. Vol. i. 1902; vol. ii. 1903.

It was certain that any editor of the *Hierurgia Anglicana* would have much to add. Since 1848 our knowledge of post-Reformation usages has greatly increased. Again, the original work was issued in parts over a period of five years. Mr. Staley has classified as far as possible the various quotations, and the book is now a mine of varied learning. Not everything in it is of equal value; as the editor judiciously says, too much as well as too little may be made of its testimony, but as a whole the work is one which the student will seldom consult in vain. We can scarcely congratulate the publishers, however, on the plan of having a separate index to each volume, and then a supplemental index to both. One may regret that Mr. Staley did not extend his reading to Scotland, for the survival of pre-Reformation customs is a subject as yet but little studied here. For example, the

white cloth which is spread on the book boards of each church at times of Holy Communion is the houseling-cloth. The ringing of bells at certain hours in Scottish parishes frequently commemorates services that have ceased to be. Indeed the misfortune of this book is that it nominally confines itself to the 'Anglican' Church, while its value might have been greatly increased by a survey of the ceremonial of the 'Christian' Church in the three kingdoms. Mr. Staley tacitly admits this when he makes a quotation from the Canons of the Scottish Episcopal Church.

WILLIAM GEORGE BLACK.

NAPOLEON AND ENGLAND, 1803-1813. By P. Coquelle. Translated from the French by Gordon D. Knox. With an Introduction by J. Holland Rose, Litt.D. Pp. xix, 288. 8vo. London: George Bell & Sons, 1904. 5s. nett.

WE are glad to have this translation of M. Coquelle's study, which does much to elucidate the policy of Napoleon in regard to England after the rupture of the Peace of Amiens. The author successfully takes up the position that, through all the negotiations, it was not Britain which desired war with France, but Napoleon, who could not rest while the command of the sea rested with the power which he regarded as the natural enemy of France. England in 1802 received the French ambassador cordially and was ready to proceed upon a peaceful footing, but was at once met by the check that Napoleon was unwilling to evacuate the Low Countries. The *émigrés* then gave some uneasiness to the First Consul, and we get a glimpse of the court of the exiled Count d'Artois at Holyrood, where the people of Edinburgh gave him royal honours. The question of Holland proved, however, the real obstacle to continued peace. Napoleon was unwilling to evacuate it, in spite of the obligations of the treaty of Lunéville, and his occupation was a standing menace to England, while, as an excuse, he demanded that Britain should abandon Malta. Two private letters, hitherto unpublished (2nd and 3rd April, 1803), from Andréossy to Napoleon, seem to fix upon the latter the intention of provoking a war. 'Everybody wants peace,' wrote the ambassador, 'by preserving the peace of Europe you will crush the country without appealing to the arbitrament of the mailed fist.' No evacuation, however, took place, the English ambassador left Paris on the 12th May, and hostilities began. The English action of seizing two French ships, followed by Napoleon's arbitrary act of imprisoning over a thousand British subjects (including an ambassador) calls forth the curious comment from the author, 'The conduct of the two belligerents was equally unjust, but while the English only seized a few sailors and passengers, Bonaparte imprisoned a large number of the English aristocracy.' In 1806, Fox's disclosure of an alleged attempt to assassinate Napoleon—now Emperor—led to some parleyings; but the retention of Holland again intervened, for Britain was no more prepared in 1806 than she had been in 1803 to see it in French power. In her desire for peace, however, Britain even offered to withdraw from Sicily, which Napoleon desired for his brother Joseph, only claiming

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compensation for the deposed king. After some futile and even comic negotiations, however, the appointment of the untactful Lord Lauderdale as negotiator ended in failure. From 1807-1808 Austria attempted to intervene, but failed owing to the attitude of Napoleon. Official diplomacy then ceased and secret methods began, and the schemes of Fouché, Labouchère, and Ouvrard for peace ended in Fouché's exile. In 1810 real negotiations commenced under Colin Alexander MacKenzie, sent to Morlaix to treat for a general exchange of prisoners, whose number was a burden to both sides, but unfortunately they had no success. An exchange was again proposed in 1811, and this was supported by Lord Holland, and by Napoleon himself after the Russian expedition, when, however, it was too late. The whole book shows, we think, that the author makes out his case, which Mr. Rose strengthens by his short introduction. It is, moreover, of great interest inasmuch as it shows incidentally the extraordinary power of Napoleon.

A. FRANCIS STEUART.

NOTES ON THE EARLY HISTORY OF THE DIOCESES OF TUAM, KILLALA, AND ACHONRY. By Hubert Thomas Knox. Pp. xvi, 410. 8vo. With maps. Dublin: Hodges, Figgis & Co., Ltd. 10s. 6d. nett.

THIS book is of much more than ecclesiastical interest, and though very modestly designed has a distinct value for the student of the social and political development of Ireland. For a proper understanding of the history of Ireland from the introduction of Christianity to the Anglo-Norman Conquest a knowledge of her ecclesiastical history is of the utmost importance. The bearing of religious problems upon the political evolution of the country is, of course, a main factor down to a very much later date; but a clear conception of the actual ecclesiastical organisation of the country in the earlier period is an essential to any attempt to realise the social system of Ireland in that age. For in the extraordinarily fluid state of the political institutions of the country, the Church was the only organisation with any approach to a settled constitution and a defined sphere of influence. There is consequently no better introduction to a study of that clan or sept history of tribal Ireland which still remains to a great degree unexplored, than a study of the diocesan history of the Church in Ireland. It is upon this account that we welcome Mr. Knox's *Notes*. Notes indeed they are, and only notes. They are very far from being a history; and it is to be regretted that so industrious a worker has not combined the rôle of teacher with that of student, by endeavouring to co-ordinate the information he has collected and to crystallise the results of his study. But in a field where workers are scanty and the rewards are small it would be ungenerous to be disdainful of labour so thorough, and help so modestly tendered, towards the materials for history. Mr. Knox says his notes 'are published in their present form because they would probably never be published at all if they were held back to be recast, and are even so better than no history at all.' They certainly are, and Mr. Knox is entitled to hearty gratitude for presenting the results of years of research in an orderly form for the

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benefit of his comrades in the same field of inquiry. Granted such conditions as those which Mr. Knox lays down for his book, all that can be asked is accuracy of transcription, ample references and an adequate index, and we find all these between his covers.

C. LITTON FALKINER.

A HISTORY OF NORTHUMBERLAND. Vols. vi. and vii. By John Crawford Hodgson, F.S.A. Vol. VI., pp. vii, 418; Vol. VII., pp. vii, 530. Newcastle upon Tyne: Andrew Reid and Co., 1902 and 1904.

THE members of the Northumberland County History Committee deserve the warmest congratulation on the regularity with which the volumes of their great work are issuing from the press. In an undertaking of this kind which requires so much research and the collection of evidence from so many sources, it speaks well for the industry of Mr. J. Crawford Hodgson, the editor, and his loyal band of colleagues that such an enormous output of good material should be accomplished in so short a time. For a long period the antiquaries of Northumberland have been setting an example of unselfish co-operation in a common work. The scheme for writing the history of the county was first conceived over seventy years ago by the Rev. John Hodgson, an antiquary whose name takes high rank with those of Whitaker, Hunter, Surtees and Raine among the great county historians of northern England. On the death of Mr. Hodgson after completing three quarto volumes, the project lay in abeyance till the late Mr. Hodgson Hinde wrote a general introduction in 1858 in which he discoursed on the political history of the county with much learning and ability. Nothing further was done till the formation of the present county committee in 1890 when the original scheme was revived with the view of completing Hodgson's work. Since that date seven volumes have been issued on a uniform plan, each volume averaging over 450 pages with illustrations of castles, churches, houses, bridges, charters, seals, old prints and antiquities of various descriptions. In such a laborious undertaking it was inevitable that there should be a change of editor, but it is pleasing to note that little alteration has been made in the method of treatment. Mr. Edward Bateson had charge of the first and second volumes of the new series, Mr. Allen Hinds of the third, while Mr. Crawford Hodgson has successfully carried on the tradition in producing the last four that have been published.

In the two volumes before us districts so wide apart as the neighbourhood of Hexham and Alnwick have been selected. The sixth volume comprises the extensive parishes of Bywell St. Andrew and Bywell St. Peter which include, after the fashion of many civil parishes in the northern counties, a large number of townships and cover an area astride the river Tyne little short of sixty square miles. The region treated of in the seventh volume lies to the south and west of Alnwick between the Aln and 'the beautiful Coquet,' comprising the two ancient parishes of Edlingham and Felton with their respective chapelries of Bolton and Framlington and the monastic franchise of Brinkburn. The parochial history is prefaced by a descriptive account of the geographical situation, geological features and Romano-British remains of the area with which each volume is concerned. The

method which employs the township as the unit in tracing territorial ownership is open to grave objection. But if local conditions suggested its adoption, care should have been taken to note the manors or sub-manors of which it was composed. This, however, has not been the case. Little attention has been given to the part played by the manorial system in local government and little use has been made of the manor rolls which must still exist in Northumberland as in other places. According to our experience the manor was not always conterminous with either township or parish at the date when charter evidence begins to give us guidance, and as a matter of fact in dealing with the ownership of land it is impossible to ignore the question of tenure which is its fundamental dogma. The difficulty of discussing political institutions piecemeal is admitted, but one cannot help feeling that such things should not be altogether overlooked in a work of this kind. There are many tenurial and institutional problems of great interest which lie at the roots of Northumbrian history, still waiting for intelligent interpretation. Perhaps it is hardly fair to point out these omissions. The parochial history as a whole has been carefully traced and the authorities for the more important statements have been given in footnotes. So far as possible the pedigrees with which the volumes abound have been verified or at least they have not been put forward as exact compilations without reference to the sources from which they were derived.

Special features which invest the two volumes with undoubted interest for Scottish students are the contributions of the Rev. Dr. Greenwell who has written full accounts of the great baronial families of Baliol and Dunbar. The history of the barony of Baliol forms a fitting introduction to the topography of the sixth as the house of Gospatric serves a like purpose for the seventh volume. To the task of working out the descent of two families which exercised such a vast territorial influence on both sides of the Border, Dr. Greenwell has brought a long experience as well as a wide acquaintance with Anglo-Scottish chronicle and record. The house of Gospatric alone occupies almost a hundred pages and bears evidence on every page of clear thinking and sound judgment. But this service, important though it be, is only a part of the indebtedness of the *History of Northumberland* to Dr. Greenwell, for the editor acknowledges his sympathetic co-operation in the preparation of the work. In fact Mr. Crawford Hodgson has been most fortunate in his colleagues, as his colleagues have been fortunate in their editor. Without such collaboration a county history on the present scale could not have been written with the fulness and accuracy that prevail through successive volumes.

It only remains to say a word on the general make-up and turn-out of the volumes. True to the traditions of Northumbrian clannishness the printing has been done within the county and a better selection could not have been made. The paper appears somewhat heavy to our taste, but the illustrations are superb.

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## Place-Names of Scotland

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PLACE NAMES OF SCOTLAND. By James B. Johnston, B.D. Second Edition. Pp. cxi, 308. Crown 8vo. Edinburgh: David Douglas, 1903. 6s. net.

THE preface opens thus: 'The fact that twelve years have now elapsed since the preparation of the first edition of this book shows that earnest interest in the study is still confined to a few.' There have been people in the north unkind enough to impugn the authority, to condemn the author's Gaelic, and to maintain that in northern names his errors are to be computed not by instances but by categories. People in the south, too, who were eager to welcome improvements in a second edition of a promising but defective treatise, are distressed by its lapses and futilities, its insufficiency in charter and local knowledge, and the rarity of its happy solutions. Taking at random a handful of names: Borland, Bothwell, Cunningham, Eaglesfield, Kirtle, Lochmaben, Lockerbie, Mains, Ruthwell, Solway, let me dissect them. 'Boreland' like 'Mains' is a term whose important history is evidently unknown to Mr. Johnston. In 'Bothwell' he assigns the second syllable to Norman *ville*, whereas a charter seen by the present writer deals with the 'weyll' or fishpool in the Clyde, which is more probably the source. 'Cunningham,' Mr. Johnston explains as a Gaelic plural meaning milkpails! 'Eaglesfield' he does not know to have been adopted last century from a Mr. Smith's Christian name! 'Lochmaben' is impossibly derived as 'the loch of the bare hill'; there is no hill there. 'Lockerbie' has nothing to do with 'Loker'—whoever he may have been—its oldest form Locardebi proves it to have been named from the family of Locard, afterwards Lockhart, found in the train of the early Bruces. 'Ruthwell' has nothing to do with either 'rood' or 'well.' 'Solway' has a large history which required no trouble to trace. Last comes the 'Water of Kirtle.' It is suggested that it might be from Icelandic *Kyrill*, a petticoat! The work teems with hopeless etymologies, and although there is a percentage of good ones the trouble is to find them among so many guesses at large.

GEO. NEILSON.

THE ADVENTURES OF KING JAMES II. OF ENGLAND. By the author of 'The Life of Sir Kenelem Digby.' Pp. xliii. 502 with illustrations. 8vo. London: Longmans, Green & Co., 1904. 13s. 6d. nett.

IN this book the author aims at turning popular attention to the complete life of James II. For the ordinary man, he urges, knows James only at his worst, knows him only as king. But James was more than a king. Most of his life he spent as a soldier, a sailor, and a civil official, capacities in which he deserves respect, while, above all, as the sharer in many adventures he calls for an interest and a sympathy which have rarely been shown him. To the end, then, that in place of the unfortunate memories connected with James's kingship, 'the mind may retain rather the picture of James as a hero and a capable military commander,' the author relates the stirring

episodes in James's life, from the day when as a boy clad in his silks and velvets he saw the battle of Edgehill, until as a worn-out man he made his edifying end at Bourbon. But though well printed, well illustrated, and having an admirable introduction, the book is disappointing, for the author is unfortunate not only in his subject but in his style. After all, James II. is a dull hero. As a soldier he sinks into utter insignificance beside his great leaders Turenne and Condé. As a sailor he plays a more conspicuous part, but to most men the second Dutch War recalls the name of De Ruyter, not that of James of York. It may be true that the life of James II. is characterised mainly by the number and variety of its adventures, but it is as true that in these very adventures James himself rarely plays the leading part.

M. T. R.

LE COMTE GUILLAUME DE PORTES, 1750-1823; UN GENTILHOMME SUISSE AU SERVICE DE LA HOLLANDE ET DE LA FRANCE (d'après des lettres et documents inédits) par Conrad de Mandach. Pp. ii. 338, 8vo. Librairie académique Perrin et Cie. Paris, 1904.

THIS book derives its chief general interest from the relation of the de Portes family to that of the pastor Curchod, father of Madame Necker. The friendship, beginning when M. de Portes, *père*, was the *châtelain* and M. Curchod the pastor of the little parish of Crassier, near Lausanne, was continued in the second generation, and the pages in which Guillaume de Portes describes his visits to Madame Necker in the Rue Bergère at Paris are among the most interesting in the volume. Its author, however, claims special historical value for the account left by M. de Portes of the campaign of 1787, when the 'Patriots' of Holland were attacked by Prussia on behalf of the Stadholder, William V. of Orange. The journal written by the Comte, who fought with the 'Patriots,' is one of the few accounts coming from their side, and, as such, must be reckoned with by future historians. The book is well and pleasantly written.

SOPHIA H. MACLEHOSE.

MEDIAEVAL MANCHESTER AND THE BEGINNING OF LANCASHIRE. By James Tait, Professor of Ancient and Mediaeval History. Pp. x. 211, with frontispiece and maps, 8vo. No. 1 of the Historical Series of Publications of the University of Manchester. Printed at the Manchester University Press, 1904.

PROFESSOR TAIT has produced for the first time a really scholarly work upon the early history of Manchester. From the imaginative volumes of Dr. Whitaker, published in 1771-75, to the recent work by Edward Baines, the written histories of Manchester have been largely founded upon traditions, unconfirmed by documentary evidence. It is easy to frame plausible theories upon strained etymologies of place-names, and to invent *post facto* history to account for their existence and survival. But Professor Tait is too sound a historian to follow such will-o'-the-wisps into the Serbonian bog of mere conjecture. He confines himself strictly to 'legible history,' and begins his veritable account of Manchester in the

year 923, quoting an entry in the *Anglo-Saxon Chronicle* which narrates how King Edward the Elder, having reconquered Danish Mercia, and reached its north-western boundary, the river Mersey, built a fort at Thelwall on the south side of the river, and sent a detachment of Mercians up stream 'to Mameceaster, in Northumbria, to repair and man it.' This may link on the tenth century fort to the early Roman camp, and might afford material for much air-woven speculation, had Professor Tait not been otherwise-minded. He points out that no record of Manchester occurs for over a century after this date. King Edward's expedition had evidently dissociated the land 'between the Ribble and Mersey' from Northumbria, and annexed it to Mercia; hence, in *Domesday Book*, this large tract is surveyed as an appendage to Cheshire, while the northern half of the present Lancashire formed part of Yorkshire. From the period of William the Conqueror to the present day the tracing of the history of Manchester is comparatively easy to so thorough a student of mediaeval and modern times as the author. He details the development of the parish, manor, and barony in his first chapter; then he shows how the urban element began to appear in the thirteenth century, and suggests that Thomas Grelley's charter of 1301, by which Manchester became a 'free borough,' probably confirmed existing usages. An elaborate comparison is made of the three charters—Salford, 1230; Stockport, 1260; and Manchester, 1301—which seems to favour this theory. A detailed account of the Grelley family, the first recorded lords of Manchester, is given, from Albert Greslet (*f.* 1086-94), who figures in *Domesday Book*, to Thomas Grelley, the last of the direct male line, who died, unmarried, in 1311. Professor Tait has drawn up a genealogical table to show that 'Royal blood ran in the veins of the last male Grelley,' through his descent from David I. of Scotland. His grandmother was Cicely, sister of King John Balliol. In this chart, the author has made a curious slip. He describes Alan of Galloway as son of David, Earl of Huntingdon, the grandson of David I.; but Alan was only son-in-law, having married Earl David's daughter Margaret. Though a book about Manchester may not seem a likely place for students of Scottish history to find much material, it will be a mistake for them to neglect Professor Tait's volume. They will there learn how David I. of Scotland, during the reign of Stephen, obtained the northern half of what is now Lancashire, and was in possession of 'the Honour of Lancaster,' at least, it was granted by Stephen to David's son, Henry, Earl of Huntingdon, in February, 1136. It may be remembered that a few years ago a controversy was carried on in the columns of the *Glasgow Herald* regarding David's possession of the 'Honour of Huntingdon.' Professor Tait conclusively shows that 'Honour' did not imply earldom, but only included the property. David never was Earl of Lancaster, but he claimed the 'Honour' as belonging to the earldom of Northumberland, and in 1149 he ceded it to Randle Gernons, Earl of Chester, in exchange for Randle's hereditary claim upon Carlisle. The only fault that can be found with Professor Tait's volume is that the index is too meagre, and that sometimes his references to Scottish history are not absolutely immaculate.

A. H. MILLAR.

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PLACE-NAMES OF ROSS AND CROMARTY. By W. J. Watson, M.A. (Aberd.), B.A. (Oxon.), Rector of Inverness Royal Academy. Pp. lxxxvi, 302. Demy 8vo. Inverness: The Northern Counties Publishing Company, 1904. 7s. 6d.

IN this volume Mr. Watson makes an important contribution to the study of northern place-names, such as marks, indeed, a distinct advance among works of this class. By familiarising himself with the actual pronunciation, taking pains to secure accurate written forms, and having strict regard to phonetic and accentual change, he goes far towards the precision and conclusiveness so desirable in such investigations, but not at all common. One portion, at least, of his critical apparatus he has had to construct for himself, in an 'account of the treatment in Gaelic of the old Norse vowels and consonants.' That this should be a 'pioneer piece of work' suggests how much of haphazard must have gone before. Not that Mr. Watson, even so equipped, has solved every difficulty. 'Doubtless Pictish' or 'pre-Gaelic' indicates more than once a residuum that is scarcely likely ever to yield even to the closest analysis. Adequate material does not exist.

The arrangement in parishes has, no doubt, its advantages, but on the other hand, it results in useless repetitions. 'Milltoun' variously spelled occurs no fewer than seven times, always with the same obvious explanation. Mr. Watson might have discriminated, too, between an independent Gaelic name and a mere home-made translation of one already fixed. *Baile Dhubhaich* is a genuine alternative for Tain, but is *Baile-chainidh* thus admissible alongside of Pitcalnie (p. 51). It throws no light on the obscurity, and had it been accepted in ordinary usage, the older prefix, as is shown by other examples, would have disappeared. One would have liked to know the authority for *Baile-Dhà'idh* (p. 125), the Gaelic version of Davidston—on record much earlier than the date attached—the origin of which is purely English, and even traceable. Clearly 'G. Bindeil' (p. 46) is just Norse Bindal (*bind-dalr*) on Gaelic lips. In place-names the line must be drawn somewhere. *Na Sùdraichean* for 'The Souters' will be new to most people thereabout. Once more, is it not simply 'The Souters' in tartan? On the other hand, 'Drieminory' (phonetic) is a live and ancient variant for the South Sutor, and is so given by Hugh Miller. Had it not been for a stupid *ad hoc* story, the connection with 'shoemakers' (sutors) would never have suggested itself for serious discussion (p. 126).

In certain cases Mr. Watson might have taken the general reader rather more into his confidence. Even the elementary reason why *muic* is 'out of the question' for Balmuchy (p. 41) might have been hinted at, especially as in the Appendix (p. 275) he comes back to the same interpretation by a different route. Occasionally we miss a term in the syllogism. How is the Norse *gya*, 'a chasm', even with a Gaelic plural, to be held to apply to a place on account of 'the precipitous rocks on the coast' (p. 47), unless there are actual *goes*, which Mr. Watson does not say. Similar uncertainty attaches, among others, to the etymology and explanation given for 'Lewis.'

## Place-Names of Ross and Cromarty 323

To his 'threefold data' Mr. Watson might have done well to add after 'physical characteristics' the element of, say, 'historic circumstance.' Investigation along this line would have saved him from even recording the 'supposition' that the Moothill of Dingwall had anything to do with the 'meeting of the Thing' (p. 93). There is no evidence of such connection in this or any other parallel case. The Dingwall 'Moothill' is of the same class as the Mothill at Cromarty, the 'Mons' of Ormond, and apparently the 'Cnoc a' mhòid' (Moothill) of Logie Easter (p. 62). Mr. Watson, however, simply records these without any attempt at explanation. Yet the last example is, probably, the key to the puzzle of 'Scotsburn' (p. lxxxiii). The 'drowning pool' near was that of the barony of Milnton, not of Nigg.

Mr. Watson seems to be rather loose in his knowledge of the topography of Tarbat. 'Teampall' on p. 48 is a misprint for 'Teampull.'

To the list of Celtic saints commemorated in Ross might have been added, after Skene's identification, Riagail, the Regulus or Rule of Cromarty. Mr. Watson seems doubtful about 'Oran' in Sgùrr U(dh)ran (Glenshiel), and presumably Achyuran (not given) at its base. And who is the saint, if saint it be, of Killechuinard (not given) farther along on the south shore of Loch Duich? When the author limits the sanctuaries in Ross to two (p. lxvi), he overlooks Lewis where, Martin says, every church was a sanctuary.

The Lewis portion of the book, however, is incomplete. Mr. Watson gives 'first' a list of 'the chief Norse words that enter into the composition of names' there, but there is no second list of any sort. The work thus comes to a somewhat huddled and unsatisfactory conclusion. 'Minch' is twice mentioned, but not once accounted for. 'Hamarr' (p. 270) could scarcely, on its merits, mean at once, 'a hammer-shaped crag, and a crag standing out like an anvil.' In old Norse 'hamarr' meant, for an obvious reason, both 'rock' and 'hammer.' There are other and more interesting dedications to St. Columba in Lewis than that on the islet of the same name.

Mr. Watson draws attention to his lists of obsolete names, but, unfortunately, makes rarely any attempt to sift or analyse them. Modern 'fancy nomenclature,' such as Barbaraville, Jemimaville, Arabella, and the like, should have been ignored.

The admirable introduction, historical and linguistic, deserves special mention. That the Pictish 'family relations' were non-Celtic (p. xiii) is not so certain as Mr. Watson assumes. It is not likely that he intends to suggest any real difference between (geographically) Northern and Southern Picts, but the language is ambiguous. The force of *neimhidh*, 'church-land' (p. lxii) would have been better brought out by laying stress not upon the secondary 'fanum' or 'sacellum,' but upon the primitive significance of a plot of ground devoted to a sacred purpose. This exactly suits the context.

The work as a whole is of the greatest interest and value alike to the Celtic philologist and the student of Highland history. There is a good index, and the get-up of the book is most attractive.

W. M. MACKENZIE.

**SAMUEL RUTHERFORD. A STUDY, BIOGRAPHICAL AND SOMEWHAT CRITICAL, IN THE HISTORY OF THE SCOTTISH COVENANT.** By Robert Gilmour, Minister of the United Free Church, Musselburgh. Pp. xii, 244. Edinburgh and London : Oliphant, Anderson and Ferrier, 1904. Price 2s. 6d. net.

THIS curiously composite character, with its contradictory elements of spirituality and spitefulness, of touching sympathy (as revealed in his 'Letters') and of virulent invective (as manifested in his polemical pamphlets) is one that is indeed difficult to estimate fairly or describe objectively in calm, unbiassed portraiture.

The latest biographer of Samuel Rutherford (or Rutherford as he prefers, from 'considerations of sentiment,' to name him) has plainly, at all events, endeavoured to hold the balance level and true in his estimate of this great Scottish Reformer. How far he has succeeded we must leave to the readers of this painstaking and sympathetic study to determine. He has certainly done justice to his religious and patriotic enthusiasm, his intellectual acumen, and his strenuous sincerity of conviction.

Perhaps in his estimate of the contemporary influence and subsequent effects of seventeenth century politico-ecclesiastical ideals he has allowed his judgment to be somewhat biassed by his own political sympathies. If Mr. Gilmour is an affectionate admirer of the 'Saint of the Covenant' he is not blind to the flaws and blemishes in the strangely mingled and complex nature of one who may be regarded as combining the characters of Barnabas and Boanerges.

We are grateful for an excellent index, and only wish that the author had given a fuller bibliography than the brief references in his preface, and also that he had presented a more convincing authentication of the striking portrait which forms the frontispiece of the volume.

P. HENDERSON AITKEN.

**THE LIFE AND TIMES OF ST. BONIFACE.** By James M. Williamson, M.D. Pp. iv, 138, with 4 illustrations. 8vo. Ventnor : W. J. Knight; London : Henry Frowde, 1904. 5s. nett.

DR. WILLIAMSON has given us a most acceptable book, both because it is pleasantly written and because it supplies a want in popular Ecclesiastical History. Probably only students of Church History will recognise in St. Winfrith the Saxon the distinguished man who is known in the Latin Church as St. Boniface of Mainz, the apostle of Germany. Few Englishmen have figured more heroically in the world-politics of their time than Winfrith. He is among the first from these islands to combine missionary enthusiasm with far-seeing statesmanship. Every Englishman ought to rejoice at this accessible and interesting biography of one of the greatest Saxons. If Boniface had been a Scotsman his memory would have been warmly treasured in his native land. The illustrations are good. The one of the bronze statue at Fulda will help the Saint's countrymen to realise what they might have done at home.

A. B. SCOTT.

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## Pease: Magnus Sinclair, a Border Novel 325

MAGNUS SINCLAIR, a Border Historical Novel. By Howard Pease, B.A., F.S.A. Pp. xiv, 397. Cr. 8vo. London: Constable, 1904. 6s.

THE historical and antiquarian interests of the author are well known, and they are visible from this book—an historical novel, concerned with life on the Border and the war in Scotland, about the year 1650. The author has, he tells us in his preface, taken pains to ensure accuracy as to time and place. He has added at the end of his volume 17 pages of interesting historical notes. But it is to be feared that his learning has rather over-weighted his imagination. In spite of some forceful and well-written passages, one has the impression that his story, and how best to tell it, have been rather secondary matters in Mr. Pease's mind. Neither his history nor his plot is so attractive as his obvious and genuine affection for the wholesome Border-country.

HISTORICAL ABERDEEN: THE GREEN AND ITS STORY. By G. M. Fraser. Pp. 44, with six illustrations. Aberdeen: William Smith, 1904.

ALREADY in the thirteenth century there was in Aberdeen a street called 'le Grene,' variously referred to in subsequent times as '*vicus viridis*,' '*vicus de la Grene*,' etc., and giving name in or before the sixteenth century to 'the Grein quarter' of the city. Now it has found a historian in the librarian of the Aberdeen Public Library, who sympathetically sketches its annals associated with the monastery buildings of the Trinity and Carmelite friars, and with the well-known Bow Brig. Mr. Fraser's argument that the Green (as the street is still called) was never a green, but was only the way to a green on the Denburn side, is not satisfactory topographically, nor does it remove the ambiguities of archive references, e.g. to the *domus le Grene*, to *croft in le Grene End*, and to the boundaries of various holdings. This apart, the booklet is an attractive and well-written essay on a segment of Aberdeen.

SELECT STATUTES, CASES, AND DOCUMENTS TO ILLUSTRATE ENGLISH CONSTITUTIONAL HISTORY. Edited by C. Grant Robertson, M.A. Pp. xviii, 452. Medium 8vo. London: Methuen & Co., 1904. 10s. 6d. nett.

THIS handsome and handy volume is another evidence of the scientific spirit with which the modern school of history is so deeply permeated: students are here afforded an opportunity of examining authorities for themselves and freed from entire dependence on the *ipse dixit* of their teacher. The editor's scheme is a comprehensive one. Part I. contains a collection of Statutes which attempts to cover in 215 pages the period between 1660 and 1832; Part II. is really a book of leading cases on constitutional law; while an Appendix brings together a few miscellaneous documents relative to the years subsequent to 1832. Mr.

## 326 Select Statutes, Cases, and Documents

Grant Robertson thus presents his readers with what is intended to accomplish for nearly two centuries and a half a similar task to that which two well-known volumes, edited by Prof. Prothero and Mr. S. R. Gardiner respectively, have performed for the century which separates Queen Elizabeth's accession from the date of the Restoration.

Two points of contrast are suggested by the comparison which is thus invited. Where his predecessors supplied their readers with welcome guidance by means of weighty and luminous introductions, Mr. Robertson is content to leave his documents to speak for themselves. These documents, moreover, by no means cover the period selected with the same thoroughness as either of the earlier volumes does. We note, to take one instance only, the absence of the Statute 11 and 12 William III., c. 4, which has been characterized as 'perhaps the darkest blot upon the history of the Revolution.' Space for the more notable omissions might perhaps have been found by relegating the contents of Part II. to a separate book of leading cases, of which indeed there are several already in existence. The best guarantee of the usefulness of this volume in its present shape, however, is that Mr. Robertson's own experience as a lecturer has shown the need for it. The value of such a collection depends on the thoroughness and correctness with which the compiler has done his work; and this requirement is here well satisfied. There is much evidence throughout of scholarly care, although the editor has fallen short of that absolute accuracy which is at once so desirable and so impossible to attain. Thus, in the words of the Coronation Oath Act, 'acuse' on p. 67 reads strangely for 'cause' and 'Sandaff' on p. 24 should obviously be 'Llandaff.' On the whole, however, there are comparatively few mistakes, and the book will be found useful for students and teachers of history.

WM. S. M'KECHNIE.

CORRESPONDANCE DE LA FAMILLE DES ESSARTS; CONTRIBUTION A L'HISTOIRE DE LA RÉVOLUTION. Par le Comte de Saint-Pol. Pp. 76. 8vo. F. Paillart, Imprimeur-éditeur, Abbeville, 1903.

THE Comte de Saint-Pol has chosen his extracts from the correspondence of the des Essarts with a due regard to their historic value, and his *brochure* furnishes the student of the emigration during the French Revolution with details of very great interest. One is especially grateful for the reprint of documents; such, for example, as those employed in the contest between the Marquise des Essarts—wife of an *émigré*, but herself returned to France—and the municipal and district authorities regarding property held by her in her own right. To save her property the lady was at length constrained to enter a suit for divorce from her husband, whom she re-married when the Revolution was at an end. The value of this correspondence is belied by the short space it occupies.

SOPHIA H. MACLEHOSE.

THE CALEDONIAN MEDICAL JOURNAL. Edited by W. A. Macnaughton, M.A., M.D., D.Ph., and Andrew Little, M.B., C.M. October, 1904. 1s.

THE principal item of interest to readers of the *Scottish Historical Review* in this Journal is the address on 'Ancient Gaelic Medical MSS.' delivered to the members of the Caledonian Medical Society at their last annual meeting by the President, Dr. George Mackay, F.R.C.S.E. Nine facsimile plates illustrate his observations on these rare old records now preserved in the *Society of Scottish Antiquaries'* Collection, Edinburgh, in the 'Laing' Collection of the *Edinburgh University Library*, and especially in the *Advocates' Library*, which contains the Kilbride and the Highland and Agricultural Society's MSS. Of these latter he refers to fourteen, besides three others belonging to the Faculty, and one in each of the first-named collections. In a popular paper of this kind it was perhaps not to be expected that the author would expatiate on the bibliography of his subject; still even one typical collation would have been interesting and instructive to many lovers of old books. We are all the same indebted to Dr. Mackay for having thus briefly indicated a field of literary and historical research, hitherto practically untouched, not only on account of its inaccessibility, but also because successful exploration of this *terra incognita* demands on the part of the investigator, besides a comprehensive medical knowledge, an expert acquaintance with the peculiar difficulties of mediæval hand-writing, ligatures, contractions, etc., and the practical art of conveying the results of such examination to students of ancient literature in a clear and convincing way.

P. HENDERSON AITKEN.

Messrs. James Finch & Co., 33 Paternoster Row, publish two very unequal historical sketches. One of these does them high credit. It is *Great Britain and Her American Colonies*, by E. L. S. Horsburgh (pp. 100), a succinct well-planned and well-written account of the relations between the mother country and the American states, with especial reference to the political and military policy and events of the Revolution period. The other is *Christianity and History*, by J. Neville Figgis (pp. 80), a somewhat rhetorical tract, much stronger in Christian principle than in English composition.

*The Revue des Études Historiques* (Nov.-Dec.) has an article tracing the history of the *lettres de cachet* familiar to most of us from their connection with the Bastille. Reminiscences by Joseph Bailly (1801-1831) bring us waifs and strays—among them a description of the abortive attack of British fireships on Napoleon's fleet at Boulogne in 1804.

Another Napoleonic memory is preserved in *Notes and Queries for Somerset and Dorset* (Dec.) which reprints the plan of campaign for defence in case of a French invasion.

'If an Enemy should land upon our Shores, every possible exertion should be made to deprive him of the means of subsistence. The Navy will soon cut off his communication with the Sea;

the Army will confine him on Shore in such a way as to make it impossible for him to draw any supplies from the adjacent country. In this situation he will be forced to lay down his Arms, or to give Battle on disadvantageous terms.'

This was a succinct statement of the doctrine of sea-power, with a fine ring of confidence in the national fortune and resource.

Chief matter of northern interest in the *Revue Historique* of late (Sep.-Oct.) was M. Ch. Bémont's notice of Scottish books in his survey of recent contributions to British history. Works so grouped concern more particularly Queen Mary and her period from the infancy when Somerset hoped to found an Empire of Britain down to the religious troubles which she bequeathed to her son. Names which have distinguished our own list of contributors—Andrew Lang, Hay Fleming, Hume Brown, T. G. Law, and W. L. Mathieson—are conspicuous among the authors appreciatively examined. The subsequent number (Nov.-Dec.) contains a neat and satisfying critical analysis of the 'Journal' of Louise of Savoie, mother of Francis I. Written in diary form under dates from 1489 to 1522, its history is found almost always exact and its chronology entitled to very great confidence, although the studies of M. Henri Hauser prove that it was not written as a journal from year to year, but is a redaction probably of 1522. This critic establishes an improved text for the 'Journal' and an unimpaired authority for its historical contents.

We have received the *Review of Reviews*; the Canadian *Queen's Quarterly*; *Scottish Notes and Queries*; the Swedish industrial and commercial journal *Affärsvärlden*, profusely illustrated; the *American Historical Review*, with a good paper on materials in British archives for American Colonial History, and an excellent sheaf of articles, criticisms, and notes.

*The Sanctuary Calendar*, edited by Percy Dearmer and F. C. Eccles (Rivingtons, pp. 55, 1s.), will interest ecclesiologists, both lay and cleric, with its pictures of robes, altars, and effigies, and its liturgical directions and calendar explanations.

*The Reliquary* (Jan.) illustrates many fragments of antiquity—details of churches, fonts, money boxes, portrait-medals of Christ, cresset stones (stones with cavities for tallow and wick), an ancient British burial, and a bronze caldron from Peeblesshire. A meritorious tentative paper essays to define the character of the neolithic dwelling in England as generally or approximately circular in plan and beehive shaped in elevation.

Extra welcome falls to *The Antiquary* (Jan. and Feb.), starting this year a new series with an increase of pages and a rising tone. Subjects dealt with include Mr. C. Lynam's notes on Lapley font, sculptured

with Scripture scenes and inscribed 'Het geborte Christi,' Mr. Loftie's historical annotations on some London street names, an article on the younger Pitt as barrister, a revival of discussion of the Irish round towers, and a new interpretation of an alliterative poetic 'prophecy' now shewn to concern Edward III.

From the Carnegie Institution of Washington, one of the papers of the Bureau of Historical Research, there comes an excellent essay on *The Influence of Grenville on Pitt's Foreign Policy, 1787-1798* (pp. 79) by Ephraim Douglass Adams. Turning to capital account the mass of recent publications, especially the Dropmore manuscripts in the Hist. MSS. Com. Reports, it shews the deepening hold of Grenville on Pitt, first as a confidential subordinate and afterwards as an independent force contrary to Pitt's individual policy especially in relation to war or peace with France.

*The English Historical Review* (Jan.) is particularly important and interesting. Dr. Greenidge, who is against the sceptics, discusses the authenticity of the Twelve Tables. Sir E. Fry treats of Roncesvalles without new conclusions. Mr. H. W. C. Davis's observations on Cumberland before the Norman Conquest are commented upon by us elsewhere. Mr. F. Baring revives debate on the oft-fought battlefield of Hastings. But nothing in the contents of this number will surpass in value Mr. Whitley Stokes's editing of an unpublished text, the Irish abridgment of the *Expugnatio Hibernica*, an old vernacular translation of Giraldus Cambrensis, curious at many points for its archæological light on the original Latin. Mr. G. F. Warner prints from the original in the British Museum a letter of Anna of Denmark, Queen of James VI., dated from Dalkeith, 31st July, 1601, evidently designed to nourish at Rome the belief that the king of Scotland was going over, if not already gone, 'from the darkness of heresy to the light of Catholic truth.' This article of Mr. Warner's is opportune in its corroboration of the draft of the later letters published by A. Oskar Meyer last year, and reviewed on page 249 of this number.

The Viking is having his day again, now that he has a club established for the sole purpose of doing him honour and collecting his memoirs. The publications of the new Vikings are of large interest and larger promise, and the *Viking Club* deserves well of Scotland. One of its enterprises is a scheme for an elaborate survey and register of Orkney place names, in which there are to be set down all particulars, such as the situation of each named place, its natural features, and the forms and pronunciation of each name, with examples of the older spellings from sagas, charters, and rentals. It may be hoped that some day much of the amateur guessing which often discredits place-name study will succumb to scientific method. This Orkney co-operative plan merits encouragement.

## Queries

**SIR GILBERT ELLIOT.** The following affords an interesting puzzle in necrology. According to Musgrave's *Obituary*, Sir Gilbert Elliot, third baronet of Minto, died 2nd Feb., 1777, reference being made in support of this date to *The Annual Register*, p. 226; *The London Magazine*, p. 110; and *The Scots Magazine*, p. 54. On looking up these authorities I find *The Annual Register* gives the date of death as between the 14th and 25th Jan., 1777; *The Gentleman's Magazine*, 1st Feb., 1777; and *The Scots Magazine*, — Jan., 1777. Again, Foster in his *Members of Parliament* gives the date as 11th Feb., 1777; in the *Annals of a Border Club* it appears as 7th Jan.; while in *The Dictionary of National Biography* and *The Border Elliots* it is given as 11th Jan. Which date is to be accepted?

GEORGE STRONACH.

**PANTON.** When did the Rev. W. Panton, M.A., Master of Edinburgh Grammar School, Canongate, marry Christian Douglas of the family of Douglas to whom the Akers family is now affiliated?

**ST. WTYN'S WYND, MONTROSE.** We learn from Mr. J. G. Low's *Memorials of the Church of St. John the Evangelist*, Montrose, that 'John Cant in 1492 bequeathed to the Blackfriars *inter alia* certain tenements in St. Wtyn's Wynd and the Rude Wynd.' Who is the Saint here called St. Wtyn?

J. M. MACKINLAY.

**COLONEL OF THE COWS.** In a volume of *The Famous Scots Series* on 'Viscount Dundee' there occurs the following sentence: 'Two hundred men, as wild as himself [Allan Macdonald] were gathered about Keppoch, the notorious raider, the "Colonel of the Cows," as he was dubbed by Dundee.' Can any of your readers tell me if this 'Colonel of the Cows' is meant for 'Coll of the Cows,' a son of Keppoch?

G. S.

## Communications and Replies

**BLANCHET, THE PAINTER.** In 'Miss Katherine Read, Court Paintress,' by Mr. A. Francis Steuart (*Scottish Historical Review*, vol. ii., p. 39), it is mentioned that Miss Read's teacher in Rome in 1751 was a Frenchman named Blanchet, and Mr. Steuart in a footnote states that he cannot identify this artist. We are indebted to 'J. F.' for a communication which shows that one Blanchet painted a number of Jacobite portraits, four of which are in the possession of Mr. Hay of Duns Castle, to whose ancestor, Alexander Hay of Drumelzier, they were presented by the exiled court. The portrait of Prince Charles is, he says, dated 1739 and signed 'G. L. (?) Blanchet.' Mr. F. S. Mawdesley has also kindly communicated to Mr. Steuart that a portrait by L. A. Blanchet of the Duke of York as a Cardinal is in the Earl of Moray's possession, and that it is reproduced in Allardyce's *Historical Papers* (New Spalding Club), ii., p. 606. Another portrait by 'Blanchet' belonging to Colonel Walpole is reproduced in Lang's *Prince Charles*, p. 54 (Goupil Series), and in Drummond Nories' *Prince Charles*, vol. i., p. 38. Whichever Blanchet was Miss Read's master it seems certain, therefore, that he was a Jacobite painter.

**WALDEVE BROTHER OF DOLFIN AND THE ABBEY OF CROYLAND.** The identity of Waldeve of Allerdale, son of Earl Gospatric of Northumberland, better known as Waldeve brother of Dolfin, with the Waldeve who was abbot of Croyland from 1124 to 1138, has been accepted with more or less diffidence since it was suggested by scholars like Dr. Lappenberg and M. Prevost. Canon Greenwell recently ventured to dispute the identity on the ground that 'it seems scarcely probable that Waldeve son of Gospatric should have entered a monastery so remote from the district with which he was connected, though instances are not uncommon where persons of as high a position as Waldeve assumed the monastic habit. The name was not uncommon at the time, and attached to persons of noble blood, and it is more probable that Waldeve, the abbot of Croyland, was brother to some other Gospatric than the brother of Dolfin' (*Hist. of Northumberland*, vii. 28-9). The view of Dr. Greenwell has not given general satisfaction. Mr. H. W. C. Davis thinks that 'his argument that a Northumbrian would not enter so distant a monastery is weak,' for 'Croyland had a Northumbrian connexion' (*Engl. Hist. Rev.*, xx. 64-5, Jan. 1905). On the other hand, Sir Archibald C. Lawrie states that 'it is possible that he became a monk of Croyland Abbey, and was abbot for the

fourteen years between 1124 and 1138' (*Scottish Charters*, p. 328), though he said on a previous page (p. 318) that 'Waldef brother of Dolfin died before 1138, leaving a legitimate son and heir, Alan, and a daughter, Guynold, who married Uchtred son of Fergus of Galloway.' These conflicting views, advanced with such moderation, may be considered worth a brief discussion.

The origin of the supposition may be ascribed to certain statements of Orderic Viel (bk. iv., cap. 17: xii. 31), which appear at first sight to make the identification unassailable. Orderic says that the abbot of Croyland who succeeded in 1124 was 'Guallevus angligena, Cru-landensis coenobii monachus, frater Gospatricii, de magna nobilitate Anglorum.' There can be no dispute that this description suits Waldeve and Gospatric, sons of the famous Earl of Northumberland. It has, however, this distinction, that Waldeve is never called Waldeve brother of Gospatric in English or Scottish evidences: he is invariably named Waldeve brother of Dolfin, or Waldeve son of Gospatric the Earl. No special authority can be allowed to Orderic's statement owing to his stay at Croyland, for his visit to the abbey took place some years before Waldeve's election. It must be admitted also that the identification involves no straining of chronology. Gospatric, brother of Dolfin and Waldeve, was dead before 16 August, 1139 (Raine, *North Durham*, App. No. 20), but we know that he was alive in 1135 or 1136 (*Priory of Hexham*, i. App. No. 9, Surtees Soc.). It matters little whether we accept or reject the interpretation of John of Brompton's text, that this Gospatric was the *summus dux Lodonensium* who was slain at the Battle of the Standard in 1138. The consideration of importance is that if Gospatric, one of the Earl's sons, could be living in 1136, there is no improbability in the assumption that Waldeve, another of them, could be abbot of Croyland from 1124 to 1138. Abbot Waldeve came down to York in 1128 and was present at the consecration of Robert, Bishop of St. Andrews (Haddan and Stubbs, *Councils*, ii. 215), an event of supreme interest to northern churchmen. A good example had been set to Waldeve and other magnates of Cumberland by Walter of Carlisle, who took the religious habit soon after 1120, and endowed the priory of his adoption with his territorial possessions. Renunciation of the world by great land-owners became fashionable, instances of which are well known in Galloway and Lothian as well as on the English side of the Border.

Now when we turn to Waldeve, son of the Earl, in his home in Cumberland we get little inducement to acknowledge him as abbot of Croyland. His ecclesiastical sympathies seem to have been with the Augustinians rather than the Benedictines. At all events he was the munificent benefactor of the priories of Carlisle, Hexham and Gisburne. It is odd, on the supposition that he had been abbot, that Prior Richard of Hexham should have omitted his name when he chronicled his deposition in 1138 by Alberic the legate, though he thought the name of his successor worthy of mention. Prior John had nothing to add to his predecessor's observations. The two

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chroniclers, who lived in the 'county' of Gospatric, one of whom was a canon of Hexham at the time of the deposition, were apparently ignorant of the abbot's identity with Waldeve of Cumberland, the patron of their house, son of their great Earl, *de magna nobilitate Anglorum*. The author of the *Lives of the Abbots of Croyland* (Cotton MS., Vesp. B. xi. f. 77 a) vouchsafes no further information except that Waldeve had been deposed on the petition of the convent.

Orderic says that Waldeve had been a monk of Croyland at the time of his election to the abbacy in 1124. The year is important. It is very difficult at this period to date charters, not witnessed by official personages, with any degree of exactness. But a few deeds admit of reasonable certainty. Waldeve of Allerdale was present with Archbishop Thurstin at the dedication of the priory church of St. Bees, which, from the internal evidence of the charters of foundation, must have taken place after 1120. With John, Bishop of Glasgow, he was in attendance at the court of King David in Dunfermline (*Reg. of Dunferm.*, No. 19), which must have been in or after 1124, and judging from the wanderings of that wayward prelate the date may well be placed so late as 1127, or even later. From this it seems doubtful that Waldeve brother of Dolfin, who can have been nobody else but the son of Earl Gospatric, was the monk of Croyland elected abbot of that monastery in 1124.

Other points may be mentioned which appear to make the identification very precarious. Waldeve son of Earl Gospatric, Alan son of Waldeve, and Waldeve son of Alan followed each other in due succession to the Cumberland lordship. The latter Waldeve died without issue in minority, but of sufficient age to make grants of his property. Waldeve, the supposititious abbot, had a wife, Sigirid by name, who is often associated with her son Alan after the death of her husband, or after his abandonment of the world. The loss of Waldeve by vow or by death was soon made up by the choice of another husband, Roger son of Gilbert, a large landowner in Cumberland, of the house of Lancaster, barons of Kendal. Several charters of Waldeve and Sigirid, Roger and Sigirid, Alan and Sigirid, and jointly of Alan, Roger and Sigirid are available. When it is not possible from these deeds to fix an approximate date for Sigirid's second marriage, it would be better perhaps not to hazard a guess. But there can be no doubt that a perusal of them without any prepossessions about Croyland would inevitably impress the reader with the conviction that Alan succeeded, and that Sigirid married after the death of Waldeve.

There is, however, one bit of unquestionable evidence which appears to me of sufficient weight to distinguish Waldeve the abbot of Croyland from Waldeve the lord of Allerdale. In the Pipe Roll of 1130 (pp. 48-9) remissions are made under King's writ to Lancelin brother of the abbot of Croyland (*Lantscelino fratri Abbatis de Croilanda*) by the sheriff of Huntingdon. To suggest that Lancelin was another son of Gospatric, Earl of Northumberland, would be absurd. It may be rash to identify him with Lanzelin of Domesday, an under-tenant of Nor-

thampton, where the abbey had considerable possessions, but the difference of date is no bar to the identification. It is notable that in the accounts of the same sheriff remissions are made to the King of Scotland and Hugh Olifard, a member of one of those Norman families afterwards imported into Scotland by David I. through his connexion with the earldoms of Huntingdon and Northampton. This local connexion may have been the influence which caused the abbot of Croyland to join the Scottish king and the northern prelates and nobles at York in 1128 rather than any previous affinity with Scotland or Northumbria.

JAMES WILSON.

**THE TRADES-BOOKS OF ST. ANDREWS.** In his review of *The Baxter Books of St. Andrews*, in the last number of the *Scottish Historical Review*, Mr. Renwick expresses the opinion that it may be difficult to gather from any single source such a complete series of records. Comparatively little has been done to elucidate the history of the various crafts in Scotland. That there is abundance of unpublished material can hardly be doubted. As an indication of what exists, I now give a list of the records of the St. Andrews crafts, so far as they are known to me. In this city there were seven incorporated trades, namely, the hammermen or smiths, the baxters or bakers, the wrights, the tailors, the fleshers, the websters or weavers, and the cordiners or shoemakers. The deacon of each of these crafts was, *ex officio*, a member of Town Council; and so was the deacon-convener. Some of the minute-books are not quite continuous, and none of them goes back to the origin of the craft to which it relates.

Hammermen, -	1539-1792	Tailors, -	1659-1815
Baxters, -	1548-1566	" -	1815-1866
" -	1573-1800	Fleshers, -	1610-1844
" -	1800-1861	Weavers, -	1751-1848
Wrights, -	1605-1795	Shoemakers, -	1616-1796
" -	1795-1854	Conveners, -	1594-1817
" -	1814-1855	" -	1817-1847
" Box-masters, -	1796-1816		
" "	1816-1869		

There is also one volume of a trade which was not incorporated, namely, the Maltmen, 1762-1849.

Of these volumes some are in the town's safe, some in the University Library, and some are still in private hands. In the meantime they are all in St. Andrews and in safe keeping. It will be noticed that two of the wrights' books partly cover the same period, but the one is not a duplicate of the other. I have only examined them very superficially, but observed that each contained minutes which were not in the other, and when both contain minutes of the same meeting the language of these does not always correspond. One seems to have been kept by the deacon, the other by the official clerk. Although the cordiners' book only goes back to 1616 as a minute-book, it contains complete lists of the deacons, freemen, and apprentices from 1524 to 1616, copied from an earlier

volume, and it also contains a number of statutes and ordinances copied from the old book. At the beginning of the maltmen's book some rules are copied in from an earlier book which began in 1730.

Perhaps some one may be able to supplement the above list. There is reason to believe that several volumes were destroyed by ignorant owners not many years ago, but others may be in private hands either in St. Andrews or elsewhere. It may be mentioned that the hammermen's volume turned up in Paisley and the earliest of the wrights' in Edinburgh.

The Editor is indebted to Dr. Hay Fleming of St. Andrews for this note. Similar lists for other towns would be of value.

**CAPTAIN JOHN PATON OF MEADOWHEAD.** This Covenant-soldier has not been happy in his biographer in *The Dictionary of National Biography*. His Christian name has been changed into 'James' and his farm into 'Meadowbank.' A very few lines are considered sufficient for a soldier who fought for Protestantism in Germany under Gustavus Adolphus, for Presbyterianism with Cromwell at Marston Moor, for his king at Worcester, for the Covenant at Bothwell Brig, and died when about eighty years old on the scaffold, boldly adhering to his principles. But space is found for an extract from the *Historical Notices* of Lauder of Fountainhall, an active persecutor of the Covenanters. In vol. ii. page 559, Lauder notes: '9th May, 1684. Captain Paton is execute by hanging at the Grassmarket. He was willing to have taken the Test, but a quorum of the Privy Council could not be then had to reprieve him.'

Lauder's book was not published till 1822; it confirms to some extent the assertion at the time that Paton might have been saved from the gallows. The Covenanting party said the Bishop of Edinburgh deliberately held back a reprieve obtained from the King by General Dalziel with whom Paton fought at Worcester. He might have been saved, according to Lauder, had the Privy Council taken the trouble to meet. Lauder may be trusted to tell the truth about his friends of the Council, but no one who has read the Captain's testimony on the scaffold will believe this story about the Test.

A recent search among local records has brought to light a few items about Captain Paton and his relatives.

First as regards his maternal grand-parents. In the register of the Court of Session, in a case of Lawburrows, complaint is made in 1632 that Sir William Muir of Rowallan had infringed his bond of caution by assaulting Thomas, son of Janet Muir, widow of Matthew Paton, in Warnockland. The complaint is made not only in her own name, but in that of Jonet (*sic*) Paton, her daughter and her spouse John Paton, in Meadowhead. And also in the name of John, Marion, Agnes, Thomas, Robert, and Alexander, bairns of the said Janet Muir. This John Paton in Meadowhead is the *Captain's father*, who it thus appears married a Paton from Warnockland, a farm on the Rowallan estate, about four miles away. Sir William is the well-known historian of his own family, who describes himself as 'pious and learned'! The assault may have been his pious way of collecting rents!

Concerning the Captain's first marriage a register found in Lochgoin contains: '1656, June 25, John Paton in Meadowhead and Janet Lindsay-Paton in Airnoch were married,' by Mr. Guthrie. This farm of Airnoch adjoins Meadowhead, and in *Scots Worthies* Howie says his children continued tenants of both farms till the day of his death.

'1659, May 24. A daughter of John Paton in Artnoch was buried unbaptised.'

His second marriage is not registered, but the Fenwick register records: '1679, January 3. David, son of John Paton and Janet Miller in Meadowhead was baptised.'

No other issue of this marriage is found in the registers, but Howie reports that by this second wife he had six children, the eldest, a daughter, being about fourteen in 1684. There are families living who trace their descent from a Janet who married Thomas Taylor in Craigenduntan (an adjoining farm) and from a Mary who died in Rawsmuir, Grougar, and was buried 23rd October, 1755, aged seventy-eight—making her birth-year 1677. The Kilmarnock register gives her marriage 5th January, 1705, to Andrew Brown, servitor to James Gemmell in Blackwood, Grougar (the first marriage of both).

At least one of these children was a son, as Howie in his *Memoirs* (published 1796), page 34, says: 'I arose and took my Bible (which was that which Captain John Paton gave to his wife off the scaffold, which I had lately got in a compliment from my wife's mother, my wife's father having got it from the said Captain's son's daughter's husband after her death).' This Bible is still at Lochgoin.

J. R. PATON.

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## Notes and Comments

THERE has recently been made over to the Town Council of St. Andrews the rectangular stone here figured from a sketch made by Mr. Hardie of the *St. Andrews Citizen*. This stone from the Old Town Hall in Market Street, with the arms of the city and of Provost Learmonth and the date 1565, has been preserved in the Museum for forty years or more. The arms in the one compartment are those of Provost Sir Patrick Learmonth of Dairsie, while in the other

*Armorial  
Stone at St.  
Andrews.*



there appear the boar and the tree of the city arms. Another little sketch by Mr. Hardie here reproduced gives a very clear impression from Sir Patrick's seal. He appears to have been provost from 1550 until 1586. On the list of the provosts drawn up by Mr. Hay Fleming, the Learmonth's very nearly monopolise the office from 1495 until 1607. 'They held the provostship so long,' he remarks, 'that they seem to have regarded it at one time as almost if not altogether a hereditary right in the family.'

LITERATIVE study is helped by two essays in the Publications of the Modern Language Association of America (xix. 1), both concerning the beautiful poem, *The Pearl*, which, maugre philology, certain Scotch writers continue to ascribe to Huchown, or *New Light on The Pearl*. Sir Hew of Eglinton. Professor W. H. Schofield establishes an important relationship between a Latin eclogue by Boccaccio, written soon after 1358, and part of the plot of *Pearl*. In the eclogue the poet's vision is

of his dead little daughter appearing to him in Paradise richly vested and glorified. The father is astonished, and the child explains that she owes her transformation to the Virgin. In *Pearl* this plot is repeated, with additions, however, of moment (which have been assigned to the *Trentalle of Gregory*), including the surprised father asking whether his child is not the queen of heaven herself and why she wears the crown. Although the precise connexion of Boccaccio's poem with *Pearl*—whether as immediate source or as a variant of a theme of the time—can hardly be settled 'in a hand while,' the parallel is no accident and is vital. Dr. Carleton F. Brown writes on the author of *Pearl* in the light of his theological opinions, and fairly establishes the curious point that the poet, incidentally discussing the rank in heaven of a baptised infant, resolves the problem somewhat against current orthodoxy in holding that by parity from the parable of the vineyard the degree of grace of the infant is the same as that of an adult. Dr. Brown also carefully works out proof that *Pearl* contains repeated citations from Mandeville's *Itinerary*, almost certainly in its French version. These twin essays of American scholars are capital types of a demonstrative system of literary analysis: the theory springs from a basis of fact-building. Whether we accept all the conclusions or not, we owe the authors the gratitude due for solid news from the fourteenth century.

*Maiden  
Lilliard's  
Monument.*

'FAIR Maiden Lilliard  
Lies under this stane,  
Little was her stature  
But muckle was her fame,  
Upon the English loons  
She laid monie thumps,  
An' when her legs were cuttit off  
She fought upon her stumps.'

A.D. 1544.

Tradition, what crimes against history are committed in thy name! *The Story of Maiden Lilliard: Is it a Myth?* This is the title of a paper by Mr. George Watson, Edinburgh, read at a meeting of the Hawick Archæological Society, 20th December, 1904. Associated popularly with an incident of the battle of Ancrum Moor, the monument inscribed as above is a well-known landmark for the Border tourist. Mr. Watson's answer to his own question leaves no doubt whatever that the episode of the heroic maid is a myth altogether. The name of Lyliattis Cros, variously spelt, is familiar in record a century and a half before the day of Ancrum Moor. A charter of William the Lyon mentions the erection of a great stone on the north side of 'Lilisyhates' as a boundary, and from the fourteenth century 'Lylyet Cros' was a recognised meeting place for Border negotiations. Similarly, on the west march, the Border meeting place was at the Lochmaben-stane, then called Clochmaben-stane, on the edge of the Solway at the mouths of the Sark and Kirtle. History and etymology together thus appear absolutely to exclude the tale of tradition dating back to the first half of the eighteenth century. It is a splinter of romance, probably due to the place name being imaginatively explained by

folk-lore under the influence of the ballad of Chevy Chase, where Witherington, it will be remembered, although 'in doleful dumps,' with his legs smitten off, still 'fought upon his stumps.' Mr. Watson deserves commendation for a demonstration so complete. But no doubt there will still be sticklers for the verity of the tale. Even when the feet are cut from under it, the story will for a generation or two longer fight on what remains of the stumps.

THE Antiquaries' Club and the Cockburn Association of Edinburgh have printed for private circulation a pamphlet under the title *The Care of Historical Cities* (Edinburgh: Darien Press, pp. 31, price 1s.) containing a report on the measures in force in Continental countries for the protection of historical and artistic monuments in the older cities. It is very properly acknowledged that laws and regulations are of small avail unless they represent public opinion. But the enactment of local bye-laws of this sort is in itself a proof of the public sense of their necessity. Citations from such ordinances in force at Rome, throughout Bavaria, in Hildesheim, Rothenburg on the Tauber, Lübeck and Frankfurt am Main are capital supports of the argument implied by the pamphlet that in our own country the statutory protections for certain 'Ancient Monuments' are only a beginning, and that there is urgent need of an extension of the principle. Of course, there will be difficulties in the way of determining the best methods of check. Where town improvements are proposed, the municipalities are by no means the safest guardians of a delicate public trust, where aesthetic and historical considerations may conflict with a projected line of street. On the Continent, as with ourselves, protective societies sometimes co-operate with urban authorities, but such conjunct action must be precarious. Corporations are jealous of outside control, even for aesthetic and antiquarian uses. A qualified power of veto, vested in town councils and county councils would be a marked advance on no veto at all.

A SARCASM lurks in the very title of the inaugural lecture of Mr. C. H. Firth as Regius Professor of Modern History in the University of Oxford. His *Plea for the Historical Teaching of History* (Oxford: Clarendon Press, 1904, pp. 30, 1s.) is, as he himself announces, a plea for giving future historians a proper professional training in Oxford, and is 'therefore'—significant word—'an attack on the system of historical education which renders it impossible.' Believing as he does that real work in history means discovery, that the study implies an endeavour to add to the common inheritance of knowledge, he concludes that surely the teaching of history means an endeavour to train men capable of adding to knowledge. Yet, he sadly owns, 'at present there is no place in England where men are properly trained for that work.' And so he argues for a co-ordination of studies, e.g. in palaeography, diplomatic, medieval history, archaeology, and incidentally historical bibliography, so as to equip men for research. It need hardly be said that from the standpoint of a historical periodical Professor Firth's contention to be granted needs only enunciation. In

*Protection of  
Historical  
Monuments.*

*Plea for the  
Historical  
Teaching of  
History.*

Scotland the Fraser chair goes some way to meet the requirements of special teaching, and great hopes are entertained that Prof. Hume Brown's zeal will ere long have its reward in a school of Scottish history. But of course in the matter of co-ordination Scotland is nowhere, and recent teaching of history has few triumphs to claim in notable additions to knowledge made by students of the historical schools. We have to learn much of our history at haphazard, only acquiring by the errors of experience a working knowledge of the tools. Perhaps it will not always be so. A plea like Mr. Firth's adjusted to the Scottish forum ought to command attention. Universities are apt in such matters to be centres of conservative chaos, but even the wilderness listens to a living voice.

DEBATE concerning Gospatric's letter, which has been often noted in our columns (i. 62, 105, 240, 344, 353), scarcely seems to have *Gospatric's* yet solved any of the chief disputed issues. Our readers are *Letter.* familiar with certain of the arguments of Mr. Wilson for a date after 1067 and before 1092. A case for a date before the Conquest is presented with considerable detail by Mr. H. W. C. Davis in the January number of the *English Historical Review*. The chief points are (1) that the document seems to imply the co-existence of Earl Siward and Gospatric when Gospatric granted the letter; (2) that Gospatric does not style himself earl; (3) that 'Eadread' is best understood as Ealdred, earl of Bernicia 1019-1038, predecessor of Siward, who was earl of Northumberland 1041-1055; (4) that therefore the document cannot be dated later than 1055; (5) that probably the granter was thus not Gospatric, son of Maldred, but a Gospatric of about a generation earlier, Gospatric, son of Uhtred, earl of Bernicia; and (6) that Allerdale, no longer Cumbrian, had probably been annexed to Northumbria shortly before this curious writ was drawn up. We have not at present the advantage of being able to consider Mr. Wilson's full historical setting of the document, though we know that when it appears in a forthcoming volume of the *Victoria History of Cumberland* it will contain important propositions regarding the holding of Cumbria from 945 onward, and the relationship of Cumberland to the Northumbrian earldom both before and after the Conquest. Meantime Mr. Wilson's position seems to be that the Northumbrian earls exercised jurisdiction over the Cumbria south of Solway for the most part of the eleventh century to the exclusion of Scotland. After 1066 Gospatric, son of Maldred, did his best to maintain the independence of the earldom by playing the Norman against the Scot and trusting neither. 'The peace which Earl Siward and Gospatric bestowed on the Cumbrian thanes' was in this view not granted concurrently, but successively. When Mr. Davis says that 'the lord of Allerdale ignores Earl Siward in disposing of rights to the east and south of Shauk, etc.,' the interpretation appears strained, for the grant would be natural and regular enough if by successive magnates.

The positions of Dolfin and Waldeve at Carlisle and in Allerdale at a subsequent date are thought to be strong arguments in favour of Gospatric, son of Maldred. In fact, the deed would explain their presence in these

places. The lateness of the transaction is further supported by the allusion to Moryn as the owner of Dalston. He was dead at the time of the grant, but Harvey, son of Moryn, was in possession of that lordship *temp.* Henry I., and forfeited it before the accession of Henry II. The same view may be taken of the mention of Sigulf. The proposed modification of the form of the name of 'Eadread' in the hope of identifying him with Earl Ealdred suggests the observation that there is perhaps no need for such illustrious kinship, if a change of form be allowed.

Comparison of the phrases 'in Eadread's days' and 'in Moryn's days' suggests similar local positions. There was an Ealdred in Cumbria, the contemporary of Moryn, who held a large slice of the district bordering on Allerdale. From this Ealdred two of the most distinguished of the thirteenth-century families of the district have taken their origin.

Evidently the two Gospatrics and the two Ealdreds will need as much 'deciphering' as did the two Dromios. And there were other Gospatrics contemporary besides. The matter calls for some balancing. Doubtless the scale on the main issue must ultimately turn according as we conclude upon the first of the six points of discussion noted above, in the light of Mr. Wilson's placing of Moryn in Cumbrian record.

At a meeting of the Historical and Philological Section of the Royal Philological Society (Feb. 15) Mr. J. T. T. Brown, vice-president, read a paper on 'Geoffrey of Monmouth's *Historia Britonum*.' *Royal Philosophical Society of Glasgow.* Starting with an examination of the *Historia*, the lecturer showed that the Vulgate version must be a redaction made some time between 1139 and 1147. Rejecting Dr. Evans's theory that the work was written before 1129 by command of Henry I., he rather maintained the view that the first edition cannot be earlier than 1135, the Bec manuscript used by Henry of Huntingdon in 1139 most probably representing the earliest text. In his opinion the Merlin book was originally a separate work dedicated to Alexander, Bishop of Lincoln, and only incorporated afterwards. Having adverted to Henry of Huntingdon's use of Geoffrey, he expressed an opinion that the passage in William of Malmesbury as to Arthurian fables is an expression of contempt inserted by that historian when revising his chronicle, and is to be regarded as a veiled attack on the *Historia*. By some such explanation he thought the facetious allusion to William of Malmesbury and Henry of Huntingdon in Geoffrey's epilogue can best be explained. He concluded with an account of Geoffrey's influence on English literature from the 12th century to the present day.

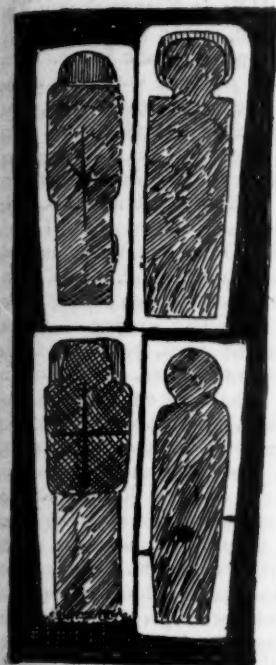
PROFESSOR MEDLEY, in a paper (Feb. 23) on 'The Setting of the Miracle Plays,' remarked that the miracle plays were deserving of closer study, as going to prove that life in our island in the Middle Ages was not a unique development along lines essentially its own, but was merely one phase of the general development which permeated the whole of Western Europe. Mr. James S. Fleming described and traced the history of the old castle of Newark at Port-Glasgow. Some discussion followed as to ensuring its preservation.

*Glasgow  
Archaeological  
Society.*

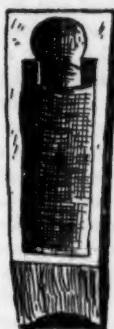
FEW men of our time have 'howked' more or to better purpose—literally and allegorically speaking—than Mr. Hay Fleming. His *St. Andrews Howkings in St. Andrews Cathedral and its Precincts in 1904* is a reprint of articles from the *St. Andrews Citizen* in September and October last. Most notable have been the results from the operations in the chapter-house. Two full-length cists or slab coffins were found in the vestibule of the chapter-house, which has been regarded as the old chapter-house; subsequently five dug-out coffins were found in the new chapter-house. These burials Mr. Hay Fleming tentatively suggests as possible to be identified with the two burials recorded by Bower in the old chapter-house—viz., of the priors John of Hadyngton and Adam Machan; and the five he mentions as having been made in the new chapter-house—viz., of John of Forfar, John of Gowry, William of Lothian, Robert of Montrose, and James Bisset. Rough sketches (Nos. 1 and 2) of the five coffins from the new chapter-house are here given from the reprint. The skull in the first of these is peculiarly shaped, as shown in the cut No. 3. In the coffin at the right-hand bottom corner of cut No. 2 there was found the heart-shaped piece of lead shown in cut No. 4, suspected to have been an amulet. In the top left coffin of sketch No. 2 the remains bore the mark of its owner having undergone a serious operation, a circular hole larger than a half-penny having been cut in the skull almost directly over the right ear. Other cuts here given show fragments of glass found in the transepts and chapter-house during the operations of the Saint Andrews Antiquarian Society. These illustrations are by Mr. Hardie, and have been kindly lent by Messrs. Innes, Cupar-Fife.

MR. J. S. FLEMING described (Jan. 9) the ancient building known as the Regent Mar's Lodging, in Stirling. Its roofless walls consist of an ivy-covered front elevation with two hexagonal towers flanking an archway, and showing among other sculptures the Royal Arms of Scotland, with the date '1570' over the archway. The history of its erection is obscure, but there seems to be little foundation for the popular tradition that it was constructed with the stones of Cambuskenneth Abbey.—Mr. Alan Reid described the more interesting points in the history of Colinton Church and parish, and gave examples of the sculptured emblems and memorials to be found among its monuments, including the burial places of the Pitcairns of Dreghorn, the Gillespie family, and Inglis of Redhall. One grave-slab of mediæval times taken out of the floor of the church bears in the centre a cross, with a quatrefoil head of a type common in the thirteenth century, flanked on the sinister side by a broad-bladed sword with cross-hilt. A fine sundial, bearing the name and arms of Sir James Foulis of Colinton and the date 1630, is built into the south-west angle of the church.—Mr. Alexander O. Curle communicated some notes on the account-book of Dame Magdalen Nicholson, widow of Sir Gilbert Elliot, first Baronet of Stobs, 1671 to 1693, a daughter of Sir John Nicholson, of Lasswade.

The Hon. John Abercromby, secretary, described (Feb. 13) some excavations made last summer in Shetland and also the exploration of a cairn



No. 2



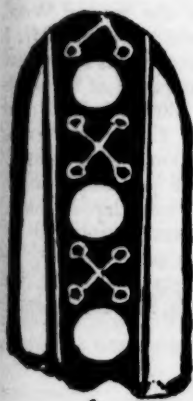
No. 1



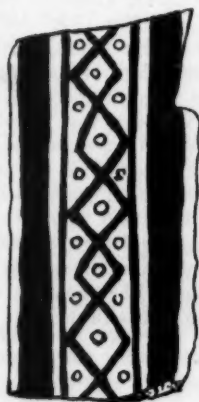
No. 4



No. 3



1



2



on the top of Dunglow, one of the Cleish Hills, in Kinross-shire. The first site examined in Shetland was at Fathaland, in the parish of North-mavine, a low grassy mound which had been supposed to be a Broch. The excavation, however, showed it to be a dry-built structure with none of the normal characteristics of a Broch. The entrance, about 4 feet wide, is on the south side, leading into a chamber or space of irregular shape about 24 feet across. The objects found were fragments of rude unglazed pottery, some vessels of steatite, and many fragments, net sinkers, pestles or pounders, and bones of domestic animals, and shells of edible molluscs. He also reported on his excavations of a sepulchral cairn known as the Trowie Knowe, about half-a-mile north of Lochend. On one of the summits of the Cleish Hills, on the southern boundary of Kinross-shire, named Dunglow, at an altitude of 1240 feet, there is a somewhat inconspicuous cairn, having a diameter of about 50 feet, and not exceeding six feet in height. Excavation revealed no definite structure in the cairn, but towards the centre there was found a hollowed-out tree trunk of oak about 7 feet in length, and much decayed towards one end. The other end indicated that it was probably the remains of a tree-coffin burial, of which several examples are on record in Scotland, England, and Scandinavia, yielding interesting remains of the Bronze Age.—Mr. Alexander Curle gave an account of the fortifications on Ruberslaw, Roxburghshire, and of some Roman remains found there. On a slope towards the base of the hill are two contiguous rectangular enclosures, each nearly 100 feet square. In the debris of the upper fortifications there have been found several shaped building stones of sandstone, carefully dressed on one face with the diamond broaching characteristic of Roman work.—Mr. F. R. Coles, assistant keeper of the Museum, gave an account of the excavation of two stone circles, and the survey of several others on Deeside. One at Garrol Wood, in the parish of Durris, is a circle with a recumbent stone between two of the pillars, of which eight remain standing and one is prostrate. The other circle excavated was in the Ordie Gordie Wood at Glassel. Nothing was found except charcoal and one small chip of flint. A circle in the Image Wood, Aboyne, was found to consist of five stones, a sixth being absent.—Mr. J. Graham Callander recorded the discovery of two cinerary urns and a pendant of slate found in a gravel pit at Seggiecrook, in the parish of Kennethmont, Aberdeenshire. The first urn was found upright, and filled with burnt human bones, among which were four pieces of flint. The second urn was much broken, but had contained the burnt bones of a cremated interment like the first, and had been ornamented with patterns made by the impress of a twisted cord of two strands in the soft clay.—Colonel Malcolm, C.B., of Poltalloch, Argyllshire, exhibited seven entire urns and three portions of broken urns found at various times on his estate, and preserved at Poltalloch House. The majority of them are of the low bowl-shaped variety usually found with unburnt burials, and are profusely decorated.